
Appeal Decision

Site visit made on 12 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/E3335/W/24/3344504

Springway Industrial Estate, Langport Road, Westonzoyland, Somerset TA7 0JS

- 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 Garry Baird against the decision of Somerset Council.
 - The application Ref 53/22/00017, dated 20 October 2022, was refused by notice dated 1 December 2023.
 - The development proposed is outline planning permission, with some matters reserved, for the erection of 21 dwellings, on site of existing industrial buildings (to be demolished) and formation of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is submitted in outline with all detailed matters, except for access, reserved for a subsequent reserved matters application. An indicative layout (drawing OP02) accompanies the outline planning application. I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect 21 dwellings on the site.
3. For reasons of precision and clarity, I have taken the description of development from the Council's Decision Notice.
4. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.

Main Issues

5. The main issues in this appeal are:
 - Whether the appeal site would provide a suitable location for housing, having regard to the proximity of services, the character and appearance of the area and the suitability of the highway network;
 - Whether the proposed development makes adequate provision for the treatment of surface water;
 - The effect of the adjoining land uses upon the living conditions of future residents; and
 - The effect of the proposed development upon users of the highway.

Reasons

Suitability of location

6. The appeal site lies within the open countryside and is currently in employment use. Large parts of the site are hard surfaced, with areas used for open storage of materials, along with a number of relatively low-rise buildings.
7. Policy T3a of the Sedgemoor Local Plan (SLP) supports residential development where it is outside, but well related to the settlement boundary. Policy CO3 of the SLP supports the redevelopment of existing brownfield sites outside of settlement boundaries but requires sites to be well located to an existing settlement, have appropriate access and promote sustainable means of travel. It also requires applications to demonstrate that any existing employment use is no longer viable or is not suitable for the location. Policy D16 supports the re-use of employment sites for non-employment uses, where it can be demonstrated that employment uses are no longer viable. Policy D2 requires new development to deliver high quality, inclusive design and to be responsive to and reinforce local context and character.
8. The site is located in a rural location and is positioned some distance from the nearest settlements, Westonzoyland to the north-west and Middlezoy to the south-east. It is separated from these settlements by open, undeveloped fields. I therefore consider the appeal site to be within an isolated location and not well located in relation to the surrounding settlement boundaries.
9. The closest services and facilities are located within Westonzoyland. Access to these facilities would be along Springway Lane, which is shared with the neighbouring waste transfer stations and then along Langport Road. There are no pavements along either Springway Lane or Langport Road and neither of these routes are lit. As a consequence, I do not consider that it would make an attractive route for alternative modes of transport, such as walking or cycling. I therefore find that the characteristics of the location to be one that would fail to encourage future residents to use alternative modes of transport or be in a location where alternative modes are a realistic choice.
10. The appellant has highlighted the presence of a number of public footpaths which provide access to Westonzoyland, however none of these are located in close proximity to the appeal site. As such, I do not consider that their presence would provide a realistic option for residents, in particular those who may be vulnerable, to access local services and facilities.
11. Overall, I do not consider the site to be in a suitable location in terms of accessibility and it is therefore likely that future residents would rely heavily upon private vehicles to access local services and facilities. As such the proposed development would fail to promote sustainable means of travel.
12. In relation to the existing businesses and uses on site, there is no evidence before me to suggest that they are no longer viable or that the location is no longer suitable for their needs.
13. In comparison to the existing development on the site, which is relatively low key, with large parts being open and undeveloped, the proposed development would introduce a substantial amount of new built development into the countryside. Moreover, the proposed development would introduce residential activity, and this, along with the addition of associated residential

paraphernalia, would further detract from the countryside. As a consequence, the proposed development would appear as a substantial urban feature which, notwithstanding the current use of the appeal site, would represent a substantial, incongruous form of development, in an isolated location, harmful to the countryside.

14. For the above reasons I therefore conclude that the proposed development does not provide a suitable location for residential development, and in this respect would be contrary to Policies TA3a, CO1, CO2, D2 and D16 of the SLP and the National Planning Policy Framework (the Framework).

Surface water

15. Policy D1 of the SLP seeks to ensure that surface water run off generated from developments is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.
16. No details to demonstrate how surface water would be managed to ensure the provision of adequate drainage on the site, or to ensure that the proposed development would not increase the risk of flooding elsewhere have been submitted. Whilst the appeal scheme is submitted in outline, I consider that surface water and flooding to be a matter of principle. Without these details it is not possible to conclude that the proposed development accords with Policy D1.
17. For the above reasons, I therefore conclude that the proposed development fails to demonstrate that surface water can be adequately managed and, in this respect, is contrary to Policy D1 of the SLP and the Framework.

Living conditions of future residents

18. Immediately to the south of the appeal site are located a number of waste transfer stations. It is likely that the operation of these could potentially generate noise, odour, dust and fumes, which have the potential to effect the living conditions of future residents of the proposed development. No evidence is before me to enable me to conclude that such impacts would not arise, or to demonstrate that if they do, they could be adequately mitigated to protect the living conditions of future residents.
19. As a consequence, without any evidence to the contrary and taking a precautionary approach, I am unable to conclude that the adjoining land uses would not give rise to adverse effects upon the living conditions of future residents of the proposed development. In this respect, the proposed development would be contrary to Policies D2 and D25 of the SLP and the Framework. Amongst other things, these policies require new development to deliver buildings that are enjoyable to use and that consideration is given to, amongst other things, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

Highways

20. In relation to safe access, from the evidence before me, the appellant considers that the proposed development would generate a similar level of trips during peak hour to the existing use, but overall, on a daily basis it would be less. The Highway Authority disagree and are of the view that the proposed development

would be likely to generate additional traffic movements, principally due to its rural location.

21. Given my findings in relation to the first issue and my overall conclusion that the site is in an isolated location, with very limited attractive transport alternatives to the use of the private car, I agree with the Highway Authority that the proposed development is likely to generate considerably more traffic movements than those suggested by the appellant. Furthermore, no evidence is before me to demonstrate that sufficient safe access, including the requisite visibility splays at either the junction of Springway Lane and the appeal site or the junction of Springway Lane and Langport Road can be provided to meet the Council's required standards.
22. At the time of my visit both routes were busy, with Springway Lane being used by a number of HGVs to access the adjoining waste transfer stations. As a result, due to the lack of pavement or pedestrian facilities provided along either Springway Lane or Langport Road, I consider that the proposed development would result in an unacceptable conflict between pedestrians and vehicles using the surrounding road network. The appellant has suggested that this matter could be addressed by a planning condition. However, in this respect, given the importance placed on ensuring development delivers adequate highway safety in both the development plan and the Framework, I consider the matter to be of such importance that it cannot reasonably be addressed through the imposition of a planning condition.
23. On the basis of the above and taking a precautionary approach, I consider that the proposed development would have an unacceptable impact on highway safety and, in this respect, would be contrary to Policy D14 of the SLP and the Framework. Amongst other things, these policies seek to manage the transport impacts of development.

Other Matters

24. The appellant has submitted that all the proposed new dwellings would be affordable homes and, in this respect, would make a contribution towards meeting the identified housing need in the area. Whilst this would be a benefit of the proposed development, there are no details or any mechanism before me to secure the development as affordable. In any event, I do not consider that the provision of affordable homes to be of such a benefit as to outweigh the substantial harm I have found.
25. The appellant has also referred to the updated Framework and the reference within it to grey belt land. The Framework clearly identifies that grey belt land refers to previously developed land within the Green Belt. Therefore, whilst the appeal site may be previously developed land, as it does not lie within the Green Belt, any reference to grey belt land is not relevant to this case.

Conclusion

26. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR