



Appeal Decision

Site visit made on 8 January 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/E3335/W/24/3347859

Land to the East of Station Road, Wanstrow BA4 4SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Reynolds of Tootlebridge Properties Ltd against the decision of Somerset Council.
 - The application Ref is 2024/0419/FUL.
 - The development proposed is the erection of detached dwelling with associated access alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of detached dwelling with associated access alterations at Land to the East of Station Road, Wanstrow BA4 4SZ in accordance with the terms of the application, Ref 2024/0419/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2024. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken the submissions received into account in my decision.
3. I am aware that an appeal¹ was allowed in 2022 on the land adjacent to the appeal site for the erection of four dwellings (the 2022 appeal). I have had regard to this insofar as it is relevant to the current appeal, however I have considered the appeal scheme on its own merits.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for housing having regard to the development plan for the area;
 - whether the appeal site is a suitable location for housing having regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

¹ APP/Q3305/W/22/3296599

Reasons

Suitable location

5. The appeal site comprises a parcel of land which is part of an open field adjacent to Station Road which leads south out of Wanstrow. It is currently in use as an open storage/parking area in connection with the construction of four new dwellings on adjacent land which are nearing completion.
6. The spatial strategy for the area is set out in Policies CP1 and CP2 of the Mendip District Local Plan 2006 – 2029, Part 1: Strategy and Policies (Adopted 15 December 2014) (LP). These policies seek to direct the majority of development towards the principal settlements with new development tailored to meet local needs in primary and secondary villages. In other villages and hamlets development may be permitted in line with provisions set out in Policy CP4 to meet specifically identified local needs within those communities. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions of CP4.
7. Wanstrow does not have a defined development limit and for the purposes of the development plan, the appeal site is located in the open countryside. None of the circumstances outlined in CP4 are applicable to the appeal scheme and consequently the proposal conflicts with the development plan for the area.
8. I conclude that the appeal site is not a suitable location for housing having regard to the development plan for the area. It therefore conflicts with Policies CP1, CP2 and CP4 of the LP which together seek to direct development towards larger settlements and to strictly control development in the open countryside.

Accessibility

9. Wanstrow is a relatively small settlement with a limited range of services and facilities. These include a village hall, play area, village pub and a car repair garage and MOT centre. A Rare Breeds Farm Park with café and shop and agricultural services shop are located to the south of the appeal site.
10. These would provide some social, recreational, and retail opportunities and services within walking distance from the appeal site. Aside from the facilities to the south of the appeal site, most of these could be accessed by foot via the new footway which has been provided on the eastern side of Station Road as part of the 2022 appeal. This provides level access along Station Road, which benefits from street lighting.
11. The pavement is not continuous throughout Wanstrow, however as identified by the Inspector considering the 2022 appeal, there are sufficient places to provide pedestrian refuge from passing vehicles along the stretches of road which do not benefit from a dedicated footway.
12. I acknowledge that the services and facilities which exist nearby would not be sufficient to meet all of the requirements of future residents and bus services in the area are limited. It is therefore likely that they would be reliant on a private car to travel to higher order settlements. However, there would be some access to sustainable transport options and some services and facilities are available locally. Consequently, whilst future residents are likely to own a private car, there are

some alternatives available nearby which mean that not all trips would require the use of the car.

13. The Council are concerned that the proposal would place a burden on local services and facilities. However, no evidence has been provided which demonstrates that any local facilities or services are at, or over, capacity.
14. Overall, I conclude that the appeal site has reasonable access to services and facilities. This is a factor which attracts positive weight in the planning balance, and I return to this matter below.

Character and appearance

15. The appeal site comprises part of a wider field which is relatively flat and extends to a hedgerow to the east and an elevated railway line to the south. The newly constructed dwellings are located north of the appeal site. The field contributes to the semi-rural character which defines the edge of the settlement. Although the appeal site is being used as a site compound at present, this is temporary, and the site therefore contributes positively to this character.
16. The four new dwellings extend along Station Road, opposite an existing row of properties on the west side of the road. The appeal property would be positioned further south and would not be opposite a building on the western side of the road. Therefore, the proposal would result in development along the eastern side of Station Road extending further south than that which exists on the western side.
17. However, the new dwellings are single storey with large footprints, relatively wide plots and spacious frontages and as such are in contrast with the dwellings opposite which comprise two storey semi-detached dwellings on narrower plots. Consequently, the pattern of development already differs between the west and east sides of Station Road. Furthermore, the appeal site is partially opposite a tarmac track, as opposed to open countryside.
18. In this context a relatively minor addition to the built form on the east side of Station Road would not significantly conflict with the layout of development in the area. The proposed dwelling would be seen against a backdrop of other buildings on approach from the south and would be closely related to the existing built form of the settlement. Consequently, the proposal would not appear as an incongruous addition to the area.
19. The proposal would result in a small loss of open space which would have a localised urbanising effect. However, the majority of the field would remain open and due to the relatively flat topography of the site, single storey nature of the proposed dwelling and other development nearby, the proposal would not result in a significant impact on the wider landscape. Consequently, the proposal would have only a minor negative effect on the character and appearance of the area.
20. It is proposed to retain an undeveloped strip of land to the north of the appeal site. This would visually separate the proposal from the new dwellings to a small degree. However, the overall gap between the existing and proposed dwelling would not be so great as to harmfully conflict with the existing pattern of development. Landscaping is proposed to the south of the appeal site which would soften the appearance of the development on approach from the south.

21. The Parish Council is concerned that the strip could be used to provide an access road to further development behind the building line in the future. This is not part of the proposal before me and therefore does not form part of my considerations. Planning permission would be required for such a proposal, and it would not be appropriate for me to impose a condition preventing such development. Similarly, whilst I note the concerns regarding potential further development to the south of the appeal site, I am required to assess the proposal on its own merits.
22. Overall, I conclude that the proposal would have a minor harmful effect on the character and appearance of the area. It would therefore conflict with Policies DP1 and DP7 of the LP which seek to ensure that development proposals achieve high quality design which responds positively to local distinctiveness and have an appreciation of the context of the locality. Policy DP3 is listed in the second reason for refusal however this relates to heritage assets and as such is not determinative in respect of this main issue.

Other Matters

23. Concerns have been raised in respect of drainage however this could be adequately addressed through a planning condition. There is also a concern that maintaining the front boundary would result in future residents having to stand on the roadway. It is not uncommon for residential properties to have landscaped boundaries with no footway adjacent. The appeal site is located within a 30MPH zone, and I am satisfied that this arrangement would not result in unacceptable highway danger for future residents.

Other Considerations

24. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land. The appellant contends that due to the provisions to the revised Framework the housing supply for the Mendip area stands at around 2.21 years. The Council have not contested this figure. This represents a significant shortfall in housing provision in the area. Set against this shortfall, the proposal would deliver one unit of accommodation. As a small site, it is likely to be brought forward quickly. Whilst this represents a modest contribution it would nonetheless be valuable, and I therefore give moderate weight to this benefit.
25. Other benefits of the proposal include the provision of an adaptable single storey home. The proposal would result in minor economic benefits during the construction and occupation phases. Future residents would be likely to support local facilities and contribute to an existing community. I give these factors moderate weight.

Planning Balance

26. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
27. The proposal would be in conflict with the spatial strategy for the area and result in minor harm to the character and appearance of the area. As a result, the proposal conflicts with Policies CP1, CP2, CP4, DP1 and DP7 of the LP. These policies are

consistent with the Framework insofar as it seeks to ensure that developments reflect local character and to direct development to sustainable locations.

28. However, as described above, the appeal site has reasonable access to services and facilities, providing some alternatives to private car use. Furthermore, the harm I have identified in respect of the effect of the proposal on the character and appearance of the area would be minor. As such I give the conflict with these policies moderate weight.
29. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites in line with Government expectations. Because of this, paragraph 11d) of the Framework is engaged.
30. When assessed against the policies of the Framework, taken as a whole, the moderate adverse impacts would not significantly and demonstrably outweigh the moderate benefits. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

31. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council where they meet the tests set out in paragraph 58 of the Framework in the interest of precision and clarity. I have also imposed the standard time limit and approved plans conditions in the interests of certainty.
32. The submitted plans clearly indicate the proposed materials, which would match the adjacent dwellings. I have therefore imposed a condition requiring implementation in accordance with this drawing as opposed to the submission of further details. A condition requiring the implementation of a hard and soft landscaping scheme is also necessary. Together, these conditions will ensure that the proposal would achieve a satisfactory appearance.
33. A condition requiring the submission of a surface water drainage scheme is necessary to ensure the site is provided with adequate drainage and does not result in flooding on the site or elsewhere. This information is required prior to the commencement of development as the scheme may affect early parts of the construction such as the formation of foundations. A condition requiring a scheme which would prevent the discharge of water onto the highway is required in the interests of highway safety.
34. The Council suggest a condition requiring the submission of a Sustainable Energy Statement, the reason given is to ensure that sustainable construction and renewable energy opportunities are maximised in accordance with Policy DP7 of the LP. I have reworded this condition to more closely align to the requirements of Policy DP7, bearing in mind that matters such as scale, layout and amenity are established. I have sought the main parties' views on this condition and taken the comments received into account.
35. The Council suggested a condition in respect of a Wildlife Protection and Enhancement Scheme. The requirements of the suggested condition do not align with the recommendations of the submitted Ecological Appraisal. I have therefore reworded this condition to ensure that all necessary measures are secured in the interests of ecology. I have sought the main parties' views on this condition and taken the comments received into account.

36. Conditions in respect of surface water on the highway, the visibility splay, construction of the access and the retention of parking and turning are required in the interests of highway safety.

Conclusion

37. The proposed development would conflict with the development plan but material considerations including the Framework indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should succeed.

E Pickernell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: A0.01, A0.09, A0.10, A0.11, A0.30, A0.40, A0.41.
3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include results of infiltration testing and an assessment of the capacity of the downstream channel and structures to accommodate additional flows from the site, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. Where soakaways are found to be suitable, details of the soakaways to be installed shall be provided. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified. Discharge from the site shall be restricted to greenfield rates of runoff with attenuation provided up to the 1 in 100 year plus 40% climate change event. The submitted details shall also include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall be implemented and thereafter maintained in accordance with the approved details.
4. Prior to the commencement of any works above ground level a scheme indicating proposed measures in respect of the following shall be submitted to and approved in writing by the local planning authority
 - i. sustainable construction techniques
 - ii. on-site renewable energy generation
 - iii. water efficiency measures, recycling and conservation
 - iv. minimisation, re-use or recycling of waste by new residents.

The approved measures shall be implemented in full prior to the occupation of the development and shall be maintained thereafter.

5. No works above ground level shall take place until a Wildlife Protection and Enhancement Scheme (WPES) has been submitted to and approved in writing by the local planning authority. The WPES shall include measures based on the recommendations of the submitted Ecological Appraisal Ref: T1112.002 prepared by Crossman Associates. The approved measures shall be implemented in full prior to the occupation of the development and shall be retained thereafter.
6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the local planning authority. Such provision shall be installed before occupation of the proposed development and permanently maintained thereafter.
7. All hard and/or soft landscape works shall be carried out in accordance with the approved details (drawing no. A0.11). The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme which shall first be submitted to and agreed in writing by the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.
8. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. A0.40.
9. No occupation of the development shall commence until the visibility splay shown on drawing no. A0.10 have been provided. There shall be no on-site obstruction exceeding 300mm above ground level within the visibility splay. The visibility splay shall be retained permanently free of obstruction thereafter.
10. The areas allocated for parking and turning on the submitted plan shall be laid out in accordance with the plan prior to the occupation of the development and thereafter kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
11. The development hereby approved shall not be occupied until the vehicular access has been constructed in accordance with details shown on drawing no. A0.10. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

End of Schedule