



Appeal Decision

Site visit made on 12 May 2008

by **Gareth Symons** BSc(Hons) DipTP
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
2 June 2008

Appeal Ref: APP/R3325/A/08/2068116

Land at Cox's Farm, Kingsbury Episcopi, Somerset, TA12 6AX

- 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 P Lock against the decision of South Somerset District Council.
- The application Ref: 06/01495/OUT, dated 28 April 2006, was refused by notice dated 9 August 2007.
- The development proposed is the erection of seven private dwellings with garaging and alterations to access.

Decision

1. I allow the appeal, and grant outline planning permission for the erection of seven private dwellings with garaging and alterations to access on land at Cox's Farm, Kingsbury Episcopi, Somerset, TA12 6AX, in accordance with the terms of the application, Ref: 06/01495/OUT, dated 28 April 2006 and the plans 1267/01 and 1267/2A, subject to the following conditions:
 - 1) Approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority before any development is commenced. The development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision.
 - 3) The development hereby permitted shall begin either before the expiration of five years from the date of this decision, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 4) No development shall take place until details of the proposed estate road, including its junction with the adopted highway, any footways, verges, street lighting, sewers, drains, retaining walls, service routes, vehicle overhang margins, carriageway and drive gradients, car parking and street furniture have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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- 5) The dwellings hereby permitted shall not be occupied until two parking spaces for each dwelling have been provided in positions to be approved in writing by the local planning authority. The said spaces and access to them shall thereafter only be used for their intended purposes.
- 6) No development shall take place until details of surfacing the access drive, including footpath where applicable, turning and parking areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to any of the houses being occupied unless an alternative programme of provision has been agreed with the local planning authority.
- 7) No development shall take place until details of all proposed boundary walls, fences and hedges have been submitted to and approved in writing by the local planning authority. All approved walls, fences and hedges shall be erected or planted within one month of the substantial completion of the development and thereafter retained.
- 8) None of the dwellings hereby permitted shall be occupied until the access arrangement shown on approved plan 1267/2A has been provided.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind the site's location partly within the Kingsbury Episcopi Conservation Area.

Reasons

3. This is an outline planning application with all matters, except access, reserved for later approval.
4. In terms of the revised junction with the highway, a similar style arrangement has already been approved when planning permission was granted to convert one of the barns at Cox's Farm. I acknowledge that the build out now proposed would extend further into the carriageway with a slightly greater sweep. However, these differences do not materially distinguish the principle behind having a revised junction along these lines. I see no planning reason why the existing permission, with its access, would not be implemented thus bringing about a consequent change to the street scene. I therefore give only limited weight to concerns raised about this aspect of the scheme.
5. Vehicle numbers would increase. However, bearing in mind the number of dwellings around the appeal site, along with their associated vehicles, I consider that the extra comings and goings would not harm the appearance of the area. Any alternative access is not part of the application before me.
6. The proposal would meet aims of using land efficiently and effectively. This maybe at a higher density than around the site. However, I consider that the appeal land is large enough to accommodate what is proposed such that the development would not be cramped or out of character with its surroundings. The siting of the buildings, their design and external appearance, could also be examined in more detail at the reserved matters stage.

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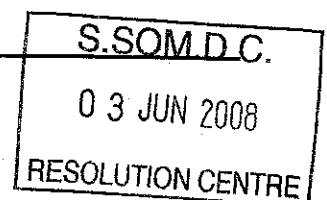
7. I have considered all other matters made in relation to this issue but find none to persuade me from the view that the proposal would not harm the character or appearance, or the setting of, the Kingsbury Episcopi conservation area. Therefore the proposal would meet the design aims of policies EH1, ST5 and ST6 from the South Somerset Local Plan.

Other Matters

8. I note local concerns about highway safety, vehicle manoeuvring and traffic congestion. However as the local highway authority did not object to the proposal I attach only limited weight to such matters. In terms of visibility for drivers emerging from the access, parking on the highway can be controlled by other means. Also, Manual for Streets advises that parking in visibility splays in built-up areas, although common, does not appear to cause significant problems in practice.
9. Regarding affects on the living conditions of surrounding residents, many of the concerns should be properly addressed at the reserved matters stage. I see nothing in what has been submitted that would lead me to believe amenities in terms of privacy, outlook, light and sunlight would be materially harmed. Regarding noise and disturbance from additional vehicles, cars already frequent the area. Also the access, as it is, serves existing and approved houses, as well as the farm use. Against this background I am not convinced that the relatively limited extra traffic would cause any undue harm to amenity.
10. Localised flooding following heavy downpours is a matter for the relevant utility company, not me, to address. Works along boundaries can be controlled under civil legislation. Affordable dwellings are not part of this application. Property devaluation is not a planning matter. Ownership matters do not fetter the land use merits of the case. I note one concern that this application should have been in full and not outline. However, that is the way it was made and I can only determine what was submitted.

Conditions

11. I have considered the Council's suggested conditions in the contexts of circular 11/95 and that this is an outline planning application. The conditions listed are necessary in the interests of highway safety and safeguarding the character and appearance of the area.
12. Some proposed conditions I have not imposed. Removing permitted development rights in relation to garages and extensions has not been exceptionally justified. Finished floor levels, proposed heights of buildings and details regarding stonework, external materials, windows, doors, meter boxes and other design finishes can be considered and controlled at the next stage.
13. Drainage can be controlled away from planning. I have no evidence about existing or suspected ground pollution. Therefore a condition in this regard has not been shown to be necessary. I note the suggested species survey and the consultation response from Natural England. However, the presence of bats, for example, has not been proven. In any event protected species and their habitats are covered under different legislation.



Conclusion

14. No other matters raised persuade me from the view that, in relation to the main issue, the scheme would be acceptable. Therefore the appeal succeeds and planning permission is granted.

Gareth Symons

INSPECTOR

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