



Appeal Decision

Inquiry held on 9, 10 and 11 October 2012

Site visit made on 12 October 2012

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 11 January 2013

Appeal Ref: APP/D3315/A/12/2177389

Land to the east of Tudor Park, Taunton

- 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 Tarker Ltd against the decision of Taunton Deane Borough Council.
 - The application Ref 08/11/0018, dated 5 September 2011, was refused by notice dated 6 December 2011.
 - The development proposed is residential development of land to the east of Tudor Park, Taunton.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application that led to this appeal is in outline with access to be considered at this stage and all other matters reserved for later consideration.
3. Section 106 unilateral undertakings providing for affordable housing, the transfer of land, the implementation of a Travel Plan, completion of highway works and contributions towards education and sustainable transport facilities were submitted at the Inquiry.
4. Taunton Deane Borough Council adopted its Core Strategy on 11 September 2012. A challenge to the Core Strategy by Tarker Ltd was served in the High Court on 8 October 2012.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and on the functioning of the Green Wedge and
 - the effect on housing land supply in the Borough.

Reasons

Character and appearance / Green Wedge

6. The appeal site is an area of agricultural fields occupying a gap in development between Taunton and existing and planned development at Monkton

Heathfield. Policy CP8 of the Core Strategy (CS) continues the policy support previously given to Green Wedges by Policy EN13 of the Local Plan referred to in the Council's reasons for refusal. The Policy seeks to protect the open character of Greenfield land and open breaks between settlements.

7. The site sits within the Taunton Deane Farmed and Settled Low Vale landscape character area identified in the *Borough Wide Landscape Character Assessment 2011*. It reflects the noted characteristics of a generally flat terrain within a wide vale, with the Quantock Hills visible to the north and the Blackdown Hills to the south. A strong hedgerow network is a significant feature of the site, some of which mark ancient boundaries.
8. The extent of the site is essentially the same as that for a proposed development of approximately 233 dwellings rejected at appeal in 2011 ref: APP/D3315/A/10/2140103. In this case some 125 dwellings are proposed. The illustrative layout indicates retention of a wider margin of undeveloped land in the east of the site along the Allen's Brook and north of the proposed housing along the A3259. The physical extent of remaining open land between the two settlements would thus be greater than that previously proposed. As noted by the Inspector in 2011 however, the effective functioning of the Green Wedge is not just a matter of distance but one of judgement and perception by those travelling through it and past it.
9. As indicated on the illustrative layout housing would extend a considerable distance east of Tudor Park into the Green Wedge. The access from the A3259 would be closer to existing development on the edge of Taunton than previously proposed, but it would nevertheless be further east and substantially larger than the existing discrete and narrow entrance to Tudor Park that it would replace. Views directly into the proposed residential area would be available at this access. A large oak tree would be retained at the junction and the mitigation proposals plan shows planting along the northern and eastern perimeters of the housing, with an orchard planted between this and the A3259. These would help to soften the edge of the development, but the planting would take a number of years to mature and even then roof tops and street lighting would be visible from the road. Users of the A3259 would be aware of built development extending further east into the gap between the settlements than at present.
10. The planned Western Bypass will join the A3259 west of existing houses on Yalland's Hill at the eastern end of the road as it passes through the Green Wedge. At this point the 2011 Inspector noted there was a transition from housing to hedgerows. The Bypass junction will in effect push the transition to rural hedge lined road further west. I also accept the appellant's view that the rural character of the A3259 as it crosses the Green Wedge will be affected by increased traffic, road improvements and bus stops following planned developments at Nerrols and West of Greenaway. However, far from justifying the proposed development I consider these make retention of the remaining stretch of hedge lined road all the more important if a perceptible gap between the settlements is to be maintained. Were the proposed development to proceed, the rural character of this stretch of road would be eroded from both ends and little if any separation between settlements would be experienced by travellers along the route.
11. Higher land north of the A3259, also within the designated Green Wedge, is the site of a planned country park. From here views south are now available

across the site and over the roof tops of the Waterleaze houses to the Blackdown Hills, and north to Hestercombe and the Quantocks. The developments at Nerrols and West of Greenaway will result in some narrowing of this part of the Green Wedge but a large area of open land between them will remain, as will a sense of spaciousness and of being in a larger landscape stretching south and north. Notwithstanding traffic on the A3259 and housing on the periphery, these are essentially rural views.

12. The proposed houses would occupy higher ground than those at Waterleaze and even with the proposed planting would be seen from the future country park to fill a substantial area of land between Taunton and Monkton Heathfield. As such they would intrude, together with the proposed access junction, into views towards the Blackdown Hills. At present, due to the topography and a north – south hedgerow it is difficult to find a spot in these fields where both settlements are in view at the same time. If developed as proposed it would only be from what is now the eastern field that the single paddock remaining undeveloped between them would be visible, and this view would be dominated by the Bypass junction when built. No credible sense of a rural or even rural-urban fringe to the settlements would be perceptible.
13. A public footpath runs along the Allen's Brook on the eastern boundary of the appeal site. The submitted Environmental Statement notes that the proposed development would be seen from here just one field from the viewer resulting in a high magnitude of landscape change. That change would in effect be a significant loss of rural context. Transfer of land in the east of the site to the Council would enable public access to be enhanced. But given the existing public footpath, any beneficial contribution this would make to a north – south route as part of the Green Infrastructure Strategy would be very limited.
14. No housing is proposed along the boundary with the Canal to the south of the site. However, notwithstanding retained hedgerows and additional planting, the proposed development north of Waterleaze would add to the extent and mass of roofs and dwellings visible in views from the towpath and thus the prominence of the settlement in this part of the Green Wedge.
15. On the western edge public views into the site are limited other than from the playing field which lies on the north-east edge of the Waterleaze development. As with the earlier appeal scheme the proposed development would enclose the playing field to the north and west. The contribution the 2011 Inspector considered it makes to the openness of the Green Wedge would thereby be lost, as would the soft semi-rural character it gives to the edge of existing development. It may well be that a successful urban open space could be created by its enclosure with housing, but the potential for such a space however well designed is not sufficient in this location to outweigh such a loss.
16. The *Rural-Urban Fringe Study 2005* assessed the Creech Farmed and Settled Low Vale: Rural-Urban Fringe to have a lower sensitivity and thus a high capacity to accommodate housing than some allocated sites. It adds however that development should not compromise the important role of the Green Wedge. Development elsewhere in the Green Wedge may not be inappropriate in these terms. In this location, for the reasons given, I conclude the proposed development would fail to retain an effective or readily perceivable sense of separation between Taunton and Monkton Heathfield and thus the effective functioning of the Green Wedge. It would also result in the loss of the open

rural character and appearance of the site. The development would therefore be contrary to the objectives of CS Policy CP8.

Housing land supply

17. The Council's *2011 Strategic Housing Land Availability Assessment* (SHLAA) identified deliverable housing sites equivalent to 4.73 years supply. The Core Strategy Inspector concluded that this together with predicted windfall sites amounted to some 5.24 years supply. With the inclusion of interim sites brought forward to address the shortfall identified in the SHLAA it is the Council's position that currently it can demonstrate 5.87 years supply including a 5 percent buffer.
18. On the appellant's part credible evidence has been provided that delivery is likely to be slower than predicted resulting, it is asserted, in a supply of 4.78 years or less if the historic shortfall is rolled into the 5 years. This reflects both current economic conditions and delays in granting permission on interim sites. The difficulties in this respect are particularly evident on high density town centre sites which have experienced little demand for residential units and a weak commercial property market. Further I note that the Council has failed to deliver its housing requirement in all but 4 of the last 10 years. Whilst I am not aware of the full extent of the evidence before the Core Strategy Inspector, on the basis of that before me I too conclude that this amounts to persistent under provision and that in accordance with paragraph 47 of the National Planning Policy Framework (the Framework) a 5 year supply of housing land with an additional 20 percent should be provided. In these circumstances the shortfall is in effect greater.
19. Whilst acknowledging the considerable efforts made by the Council to boost the supply of housing land through the release of interim sites and that the appellant's view of delivery may be in some instances be pessimistic, I conclude on balance that a 5 year supply of deliverable housing land cannot at present be demonstrated.

Conclusion

20. Paragraph 49 of the Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. I have concluded that at present a five year supply cannot be demonstrated. I agree with the 2011 Inspector however that Green Wedge designation is not intended to prevent housing development, indeed the Council has brought forward sites within the designated area. Its purpose as described in the earlier appeal decision is 'to prevent the coalescence of settlements which it is desirable to keep separate for townscape and landscape reasons'. The proposed development I have concluded would fail to meet this objective.
21. In setting out a presumption in favour of sustainable development the Framework identifies three mutually dependant roles for the planning system: economic, social and environmental. The benefits of providing needed housing and the contribution construction would make to the local economy undoubtedly weigh in favour of the scheme. I note also that future residents of the proposed housing would have ready access to local facilities and public

transport. These are not sufficient however in this instance to outweigh the very substantial harm I consider would arise from serious depletion of the Green Wedge between Taunton and Monkton Heathfield in the terms that I have described. I conclude on balance therefore that the proposed development would not be sustainable development in the terms set out in the Framework and that the appeal should therefore fail.

Section 106 undertakings

22. The submitted unilateral undertakings would provide contributions in accordance with the requests made by the Borough and County Councils. I have addressed the offered transfer of land in considering the impact on the Green Wedge above. Neither these undertakings nor any other matters raised are sufficient however to outweigh the considerations that led to my conclusion on the main issues.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Collett of Counsel

Instructed by Mrs Jackson
Taunton Deane Borough Council

He called

Mr B Kitching BSc DipTP MRTPI

Development Management Lead in the
Growth and Development Theme

Mr I Clark BA(Hons) DipLA CMLI

Landscape Officer

Mr N Bryant BA(Hons) TCP MTP
MRTPI

Policy Lead in the Planning
Development Unit

FOR THE APPELLANT:

Mr D Elvin QC

Instructed by Foot Anstey LLP

and Mr R Moules of Counsel

They called

Mr A Herridge BA MRICS

Herridge Property Consulting Ltd

Ms A Priscott BS(Hons) CMLI

Anne Priscott Associates Ltd

Miss J Lyle BA(Hons) BTP MRTPI

C2C Planning Consultants Ltd

INTERESTED PERSONS:

Mr A Willson

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Summary of policies replaced by the adopted Core Strategy 2012 submitted by the Council
- 2 Coalville appeal decision APP/G2435/A/11/2158154
- 3 Plan of existing and allocated residential land submitted by the appellant
- 4 Full size copy of the Core Strategy proposals map
- 5 Appellants application to the High Court re: the Core Strategy
- 6 Draft suggested conditions submitted by the Council
- 7 Summary table of Council and appellant housing land supply figures submitted by the appellant
- 8 Final draft s106 undertakings submitted by the appellant
- 9 Rebuttal proof of evidence of Mr N Bryant submitted by the Council
- 10 Email from the Technical Director Persimmon Homes submitted by the Council
- 11 Signed s106 unilateral undertakings
- 12 Bundle of documents re: development at Nerrols Drive submitted by the appellant
- 13 Agreed Statement of Common Ground
- 14 Plan showing dimensions across the site
- 15 Illustrative plan of 2011 appeal proposal
- 16 Notes on s106 contributions submitted by the Council
- 17 Suggested conditions submitted by the Council