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# Appeal Decision

Site visit made on 5 May 2021

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 September 2021**

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**Appeal Ref: APP/W3330/W/20/3263266**

**Land North of Huish Lane, Washford TA23 0GD**

- 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 The Wyndham Estate against the decision of Somerset West and Taunton Council.
  - The application Ref 3/26/19/024, dated 29 November 2019, was refused by notice dated 18 September 2020.
  - The development proposed is outline planning application (all matters reserved except access) for the erection of 14 x dwellings at land rear of Huish Mews, Washford.
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## Decision

1. The appeal is dismissed.

## Application for Costs

2. During the appeal an application for costs was made by The Wyndham Estate against Somerset West and Taunton Council. It is the subject of a separate decision.

## Procedural Matters

3. The planning application was made in outline with all matters aside from access reserved. I assessed the appeal as such, having regard to the submitted layout plan Ref 1829 0112 Rev D on an illustrative basis aside from where it relates to the site access.
4. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have taken these into account in reaching my decision.
5. During the appeal the appellant submitted two appeal decisions concerning the provision of housing at a site at Stogursey dating from 21 March 2021 and 17 September 2021 respectively<sup>1</sup>. The Council also provided its latest version of its 'Somerset West and Taunton Strategic Housing Land Availability Assessment'. As these documents came into being after the lodging of the appeal and were of potential relevance, I had regard to them in my assessment.
6. At the final comments stage, the appellant provided a unilateral undertaking (UU) which seeks to secure the proposed affordable housing (AH). I return to the matter of AH later in my decision.

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<sup>1</sup> Appeal Refs APP/W3330/W/19/3243508 and APP/W3330/W/21/3272670

7. The site is adjoined at its south east boundary by the Grade II listed building 'Linhay about 50 metres north east of Nos 1 and 2 Knapp Cottages' (the Linhay). Cognisant of my duty under S66(1)<sup>2</sup>, although not raised by the Council, it is necessary to treat this matter as a main issue. Further comments from the main parties about this issue were sought during the appeal.

### **Main Issues**

8. The main issues are therefore:

- the suitability of the site for the proposal, having regard to the development plan's approach to the supply of housing; and,
- the effect of the proposal on the character and appearance of the area bearing in mind the special regard that should be paid to the desirability of preserving the setting of the Linhay.

### **Reasons**

#### *Suitability of the site*

9. The site is a field behind the terrace at Huish Mews on the edge of Washford village. Policy SC1 of the West Somerset Local Plan to 2032 (the WSLP), amongst other things, establishes a settlement hierarchy for the location of development within the plan area. At SC1.2 it identifies Washford as a primary village where limited development will be permitted where it is demonstrated that it will contribute to the wider sustainability benefits of the area.
10. Its supporting text clarifies that 'limited' means schemes of up to 10 dwellings providing about a 10% increase in a settlement's total dwelling number during the plan period, limited to about 30% of this increase in any 5-year period. Washford had circa 304 dwellings at the start of the WSLP period, so a 10% increase over the plan's lifetime would equate to around 30 or 31 dwellings and an increase of 30% over a 5-year period would amount to about 9 dwellings.
11. As the scheme proposes 14 dwellings it would exceed the 10-dwelling limit. It is further likely that it would alone clearly exceed the provision of 9 units in Washford over a five-year period, on the logical basis that the scheme would be delivered in less than 5 years. I also understand that there are 25 dwellings pending at Washford which have permission or would do so subject to the completion of a planning agreement. As such, combined with this proposal, there is the potential for 39 dwellings to be delivered which is decisively above that envisaged during the plan period, with eleven years of it left to run.
12. The appellant has drawn my attention to the Council now undertaking a more flexible approach to the interpretation of Policy SC1.2 at sites at Stogursey as reflected in the Council's recent SWT Council Housing Delivery Test Action Plan. However, I consider Policy SC1.2 and its supporting text to be quite plain in intention, and the action plan is not an adopted policy document. This means that these matters are of limited influence in my assessment in this respect.
13. I therefore conclude on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the supply of housing. It would conflict with Policy SC1.2 of the SWLP.

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<sup>2</sup> Of the Planning (Listed Buildings and Conservation Areas) Act 1990,

### *Character and appearance*

14. Policy SC1.4 also places caveats on proposals at the primary villages, one of which states that schemes will only be considered where they respect the historic environment and complement the character of the existing settlement.
15. The significance of the Linhay primarily derives from its agricultural form and appearance, which is enhanced by its rural setting, including former farm buildings and agricultural land. These elements of significance have been eroded by the Linhay's conversion and new housing around it. However, the site provides an open field across the back of the Linhay and forms part of the agricultural land which undulates gently away to the north. This leads the site to make a positive contribution to the setting of the Linhay.
16. The drainage strategy indicates that the north part of the site may well be given over to swales. In these circumstances, the proposed quantum of housing would likely be established across the breadth of the remaining site area, including close to the Linhay. The area around the Linhay would therefore see a harmful change from open, agricultural land consistent with its significance, to obvious residential use. The Council is satisfied that landscaping would be sufficient to mitigate the effects of such. However, given the likely proximity of housing and hardstanding to the linhay, and the loss of the openness of the field through such landscape screening, I do not agree.
17. Given the housing around the site and the previous conversion of the Linhay, I accept the appellant's submission that the harm which would arise would be less than substantial, and at the lower end of a sliding scale of that harm. Even so, the Framework states that great weight should be attributed to a heritage asset's conservation irrespective of whether the harm is less than substantial, and that any harm falls to be weighed in the balance with the public benefits of the development. Any harm requires clear and convincing justification.

### *Heritage balance*

18. The main parties dispute whether the Council can demonstrate a 5-year supply of deliverable housing sites. The most up to date and persuasive finding on this subject comes from the recent appeal decision at Stogursey, which prefers the conclusion that the Council can currently only demonstrate a 3.73-year supply. Within this context, the social benefits of the delivery of a relatively modest quantum of 9 open market units would attract moderate weight.
19. The scheme would also deliver 5 AH units pursuant to the UU. It is evident from the Council's Development Enabling Officer that a 2019 Housing Need Report for Old Cleeve, inclusive of Washford Parish, found there to be 3 households with a local connection in housing need requiring 1 x 1-bedroom home, 1 x 2-bedroom home and 1 x 3-bedroom home. At that time, there were also 5 additional local households in housing need registered with Homefinder Somerset requiring 2 x 3-bedroom homes and 3 x 2-bedroom homes.
20. There is an extant scheme on adjoining land to the west which I understand has a Registered Provider signed up and would provide 5 x 2 bed affordable homes<sup>3</sup>. This suggests that there is likely to be an outstanding need in the local area for at least 3 units of AH, which would be met and/or exceeded by the scheme. The AH is therefore also itself a social benefit of moderate weight.

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<sup>3</sup> Ref 3/26/19/015

21. The scheme would also provide a boost to local services and facilities through increased footfall and there would likely be employment benefits during the construction phase. These would be economic benefits of modest weight, as would the small net gains that the scheme would provide to biodiversity. Funds generated through the New Homes Bonus and Council Tax receipts would be benefits of very modest weight.
22. Overall, I acknowledge that the social, environmental and economic gains of the scheme would be public benefits of moderate weight. However, they would not provide a clear and convincing justification for the great weight I attribute to the harm to the Linhay's setting, in the context of my duty under S66(1).

*Conclusion on main issue*

23. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area bearing in mind the special regard that should be paid to the desirability of preserving the setting of the Linhay. It would conflict with the heritage aims of Policy SC1.4 of the SWLP and the Framework.

**Planning Balance**

24. The proposal's conflict with Policy SC1 both in terms of its heritage impacts and the SWLP's approach to the delivery of housing brings the proposal into conflict with the development plan when read as a whole.
25. The appellant contends that Policy SC1 is inconsistent with the Framework insofar as it caps development in the primary villages. Paragraph 219 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
26. I recognise the findings of the Inspector in the first Stogursey appeal where he concluded that Policy SC1.2 is consistent with the Framework because it seeks to facilitate a scale and distribution of development commensurate with the size and nature of the settlements in this rural area. However, the appellant has made the compelling submission that an alternative 'limited' development of the site, compliant with Policy SC1.2, would not deliver the locally required AH. This illustrates an inconsistency of the policy with Paragraph 78 of the Framework as it would not deliver a scheme responsive to local circumstances or support a housing development that reflects local needs. This, and the land supply situation at present, also indicate that Policy SC1.2 is currently at odds with the government's intention to significantly boost the supply of homes.
27. Nonetheless, the requirement of Policy SC1 for schemes to respect the historic environment is consistent with the conservation objectives of the Framework. As such, I do not consider that Policy SC1 can be considered inconsistent with the Framework when it is applied to the circumstances of this appeal overall. I therefore attribute significant weight to the conflict with the development plan and to the harm to the setting of the Linhay in this case.
28. That the Council cannot currently demonstrate a 5-year supply of deliverable housing sites engages Paragraph 11d) of the Framework. Paragraph 11d)i) states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 7, this includes

designated heritage assets. Consequently, given my findings above, the Framework provides a clear reason to refuse the proposal and the presumption in favour of sustainable development within Paragraph 11d)ii) does not apply.

29. As such, there are no other material considerations, including the Framework, that outweigh the conflict I have identified with the development plan.

### **Conclusion**

30. For the reasons outlined above, and taking all other matters raised into account, including the initial officer recommendation to grant planning permission, I conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR

Richborough Estates