



Appeal Decision

Site visit made on 31 December 2018

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2019

Appeal Ref: APP/D0121/W/18/3212455

Land off Front Street, Churchill BS25 5NB

- 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 Ms Zena Bishop against the decision of North Somerset Council.
 - The application Ref 17/P/5546/OUT, dated 15 December 2017, was refused by notice dated 28 March 2018.
 - The development proposed is outline application for the construction of six dwellings, formation of new vehicular and pedestrian access, provision of associated highway and drainage infrastructure and landscaping. Improvements to footpaths. (All matters reserved except access).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with matters related to appearance, landscaping, layout and scale reserved. Access is to be considered at this outline stage. I have treated the layout plan as illustrative and what the appellant has in mind for the development, except where the plan shows matters of access. I have considered the appeal on this basis.
3. I have given the previous appeal decision¹, for an outline proposal for 8 dwellings on this site, considerable weight in my deliberations. Nevertheless the present proposal differs in material respects, including the number of units and landscaping submissions, and therefore I have dealt with the present appeal on its particular merits.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the potential archaeological interest of the site.

Reasons

Character and appearance

5. Policy CS32 of the North Somerset Council Core Strategy January 2017 (CS) identifies Churchill as a Service Village. In these circumstances, the policy allows new development within or adjoining the settlement boundaries where,

¹ APP/D0121/W/17/3170939

- amongst other things, it results in a form, design, and scale which is high quality, respects and enhances the local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the village.
6. Policies CS5 and CS12 of the CS also seek to ensure that proposals of all scales are sensitive to the existing local character, and protect and enhance the distinctiveness, diversity and quality of North Somerset's landscape.
 7. Policy DM10 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 July 2016 (DMP) requires development proposals to carefully integrate into the natural, built and historic environment, aiming to establish a strong sense of place, respond to local character, and reflect the identity of local surroundings, whilst minimising landscape impact. Similarly Policies DM32 and DM37 of the DMP restrict development which, amongst other things, adversely affects local character.
 8. My attention has been drawn to the Landscape Character Assessment - Supplementary Planning Guidance (September 2018) (LCA) and that the appeal site lies within the River Yeo Rolling Valley Farmland character area.
 9. The Council has confirmed that the appeal site is located outside the settlement boundary of Churchill except for the point of access and a small area of land adjoining Front Street. This frontage lies between two residential properties and adjoins Front Street, which is a main access road through the village. The site extends back from the road and widens out across a level field area. Two public rights of way pass through this rear section of land which adjoins open grazing fields. One of the rights of way continues to the north and passes over Windmill Hill. Windmill Hill is an elevated ridge with extensive views over the surrounding pastoral landscape, including the appeal site.
 10. While the built form of Churchill extends along Front Street in a ribbon of development, there are a number of locations where the settlement pattern extends to the north of the road. In the case of the appeal site, the proposals would also extend back into the site and given the levels of the land and other development in the vicinity, residential buildings in themselves, when viewed from road area, would not appear discordant with the wider pattern of development.
 11. The appeal site adjoins Front Street and the vehicular access would be in an approximate central position in this area. I have noted the changes that have been made to the access compared to the previous appeal scheme, including the proposed structural landscaping shown on the illustrative plan. Nevertheless, the access would still be reasonably wide and it would be necessary for the proposed landscaping to be set back behind the sight lines across the frontage, thereby increasing the visual presence of the entranceway.
 12. Due to the width of the appeal site in the vicinity of the road entrance, the service road would, in all likelihood, be a linear feature projecting back into the site. Indeed this is the arrangement shown on the illustrative plan. As a consequence, a significant section of the service road would be readily apparent from the site entrance. The combination of the width of the proposed access and the accompanying service road would be a visually, prominent feature within this part of the street scene. It would introduce a more urban form to the site that would not readily assimilate into the village character of

this part of Front Street. It follows that the impact would be harmful to the character and appearance of this section of the village.

13. In coming to this conclusion I have had taken into account that planning permission has been granted for a single dwelling and a new vehicular access at this road frontage area. However, this proposal would provide a modest access to serve a single property and the dwelling would be in a location close to the road. As a consequence, the overall form and scale of this development would be in character with the street scene and not cause the harm I have identified above in respect of the appeal proposal.
14. The right of way that passes over Windmill Hill allows walkers extensive views over the western part of the village and adjoining countryside, including the appeal site. From this location the wider section of the appeal site, where it extends beyond the rear boundaries of Kewstoke Lodge and Oakhill, is readily apparent. This area of the site, with its open aspect and verdant appearance, has a greater affinity with the adjoining grazing land than with the built form of the village. The illustrative plans show extensive planting would be possible within this rear section of the site including a belt of structural planting along the rear boundary. Nevertheless, in all likelihood given the number of dwellings proposed and the limitations of alternative layouts posed by the shape of the site, residential dwelling would extend back into this land.
15. I note the Landscape and Visual Statement submitted in support of the proposal indicates that the boundary of the settlement in this location is said to provide an open and harsh interface with the countryside and that the landscaping would allow the scheme to maintain local distinctiveness and the rural setting to the village. However, I do not consider this would be the case. While the rear section of the appeal site has a relatively open boundary this enables the land to merge visually with the adjoining grazing land. The introduction of residential development in this area would appear as an encroachment of development into this part of the countryside. Despite the extensive landscaping that may be possible at the reserved matters stage, in the wide ranging views from Windmill Hill the appeal development would occupy part of the foreground and would erode the open and pastoral setting to this part of the village.
16. As the site is located within the River Yeo Rolling Valley Farmland character area of the LCA, the harm I have identified above would conflict with the guideline to conserve the rural pastoral character of this landscape. I have noted other features in the landscape, such as Orchard Walk and the extensive buildings at the Churchill Academy and Sixth Form; however, they are not in the foreground in the same way as the appeal site when viewed from Windmill Hill. Consequently, in my mind, these other sites have less influence on the landscape from this elevated location than the appeal site.
17. Given the harm I have identified, the proposal would fail the National Planning Policy Framework (the Framework) requirement for development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.
18. I acknowledge that the scheme has sought to overcome the harm identified by the Inspector who considered the proposal for 8 dwellings on this site. While there are material differences, the present scheme would, because of the number of units proposed, still comprise a substantial residential development

across much of the site. As I have explained above, in all likelihood the appeal scheme would extend residential development back into the site and this would undermine the contribution that this open area makes to the setting of the village.

19. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies CS5, CS12 and CS32 of the CS, policies DM10, DM32 and DM37 of the DMP, the LCA and the Framework which seeks, amongst other things, to establish a strong sense of place, respond to local character, and reflect the identity of local surroundings, whilst minimising landscape impact.

Archaeology

20. The Council raise concern that the application has not been accompanied by an archaeological evaluation. This was not an issue when the previous application was considered, although the Council has explained that new archaeological work undertaken with other projects in the area raise the likelihood of archaeological interests on the site. Nevertheless, the Council's Archaeologist who has commented on the present application, while detailing finds in the area, states that the potential for archaeological remains on the site is low.
21. I have not been presented with persuasive evidence to demonstrate that this site has the potential for important archaeological remains such that determination of the proposals should be withheld without an evaluation. I accept that as there is a lack of knowledge regarding the site, and given the archaeological finds in the general area, that this would be a matter that requires further analysis before any ground works. In such circumstances, the proportionate way to do so would be through a planning condition attached to any approval.
22. Consequently, I conclude that as the potential for archaeological finds on the site is low, the requirement for an archaeological evaluation prior to the determination of any planning proposals is not necessary. As a consequence there is no conflict with Policy CS5 of the CS, Policy DM6 of the DMP and the Framework which seek to safeguard archaeological assets, including through the attachment of planning conditions requiring an approved programme of archaeological work to be undertaken before development commences.

Planning Balance

23. The Council accept that they cannot demonstrate a 5 year supply of deliverable housing sites. Accordingly the presumption in favour of sustainable development as set out in paragraph 11 of the Framework is engaged. This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
24. There is Framework support for the development of small and medium sized windfall housing sites which can make an important contribution to meeting the housing requirements of an area. In this case, the development would deliver 6 units of residential accommodation in a Service Village. This would make a meaningful contribution towards housing supply and is a matter to which I afford considerable weight.

25. There would be benefits to the local economy both during construction and in subsequent occupation and future occupiers of the development would make a contribution to support the sustainability of this village community. The appellant has explained that the development would provide the opportunity to restore and enhance the retained hedgerows, link the green infrastructure to the existing vegetation and increase ecological habitats. These are all matters that provide some additional support to the proposals and I attribute them moderate weight.
26. Proposals to minimise surface water run-off, incorporate sustainable drainage solutions, integrate renewable energy proposals into the scheme and address any impacts from external lighting are matters that mitigate the impact of the scheme and therefore are neutral in the overall considerations.
27. In conclusion, while I have found that it is not necessary to undertake an archaeological evaluation before the planning application can be determined, this does not add weight in favour of the proposal. However, I have identified that the development would have a harmful impact on the character and appearance of the area. This harm is significant and a matter to which I attach substantial weight. As a consequence, when assessed against the policies in the Framework taken as a whole, I conclude that the adverse impact identified above would significantly and demonstrably outweigh the benefits.

Conclusion

28. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR