



Appeal Decisions

Site visit made on 13 February 2019

by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 11th March 2019

Appeal Ref: APP/Q3305/W/18/3206401 (Appeal A)

Land North of Bath Road, Beckington BA11 6SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Doric Developments (Bath) Ltd against the decision of Mendip District Council.
 - The application Ref 2017/0818/FUL, dated 22 March 2017, was refused by notice dated 5 January 2018.
 - The development proposed is a mixed use development including employment starter units (Use Class B1, B2 and B8); an employment unit; a new car dealership; health screening clinic and associated works.
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Appeal Ref: APP/Q3305/W/18/3207387 (Appeal B)

Land North of Bath Road, Beckington BA11 6SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Doric Developments (Bath) Ltd against the decision of Mendip District Council.
 - The application Ref 2018/0486/FUL, dated 23 February 2018, was refused by notice dated 13 June 2018.
 - The development proposed is the erection of car dealership (with national electric vehicle charging infrastructure) and associated access and landscaping works.
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Procedural matter

3. The original description of the proposed development in Appeal A included a Health Screening Centre. This was removed with the agreement of the Council prior to determination by them and replaced with a co-working hub. I have determined the appeal on that basis.

Brief description of the site

4. In appeal A the appeal site is a relatively flat arable field, lying adjacent to a roundabout which forms the junction of the A36 and the A361. The site is bounded to the north-east by the A361 and to the south-east by the

Trowbridge Road that leads into the village of Beckington. To the south-west lies a cricket pitch while to the north-west a public right of way (PROW) skirts the site. The site for appeal B is a smaller area of the same field.

Appeals A & B

Main Issues

5. The main issues are: -

- a) Whether or not the appeal site would be an appropriate location for the proposed development, taking into account national and local planning policy in respect of spatial strategy.
- b) The effect of the proposed development on the character and appearance of the area.

Taking into account the Council's reasons for refusal there is a third main issue relating to appeal A only, this is;

- c) The accessibility of the proposed development.

Reasons

6. I will deal with both appeals concomitantly, differentiating between them where necessary.

Spatial strategy

7. The appeal site lies outside of the development boundary of Beckington and in planning terms is therefore within the open countryside. Core Policy 1 (CP1) of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 15 December 2014) (LP) outlines the overall spatial strategy for the district. The policy makes clear that, to ensure the most sustainable pattern of growth the majority of development will be directed towards the five principal settlements of the district. The policy goes on to stipulate that development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4: Sustaining Rural Communities.
8. Core Policy 4 (CP4) sets out a range of development types that could sustain rural settlements and the wider rural areas. The first three of these involve housing which does not therefore relate to the proposed development. The fourth one relates to supporting proposals for the rural economy which either (a) deliver modest clusters of flexible premises able to meet the needs of the rural economy in the primary villages identified in CP1 (b) enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and the constraints upon it, or, (c) involve the conversion of existing buildings for an economic use as considered under development policy 22.
9. The proposed development would not involve the conversion of existing dwellings, consequently the third option under CP4 can be ruled out. This leaves criterion (a) and (b) above. Criterion (a) makes clear that the development should be in (my underling) the primary villages, which is not the case here. Criterion (b) allows for the establishment of business in a manner and of a scale which is appropriate to the location and the constraints upon it.

In this particular case the scale would be significant at approximately 2ha and the location would be a greenfield site. The phrase *appropriate to the location* also seems to me to bring into play other, wider aspects and I will return to this matter later in the decision.

10. The appellants also point to the second sentence of the third section of CP1 which states that *any proposed development outside the development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to local communities*.
11. At face value it would seem that the proposed development would be in accordance with this stricture. However, virtually any form of development could be classified as benefiting economic activity or extending the range of facilities available, and interpretation of the sentence in isolation in this way would seem to give carte blanche to any form of development. I cannot accept that this was the intention.
12. To my mind the section, and indeed the policy, should be read as a whole, and sections 2, 3, and 4 should not be read in isolation. Section 3 starts by making clear that the hierarchy for development begins with the re-use of appropriate previously developed sites and other land within existing settlement limits and moves down to the most sustainable locations on the edge of identified settlements. It goes on to stipulate that development outside of the development limits will be *strictly controlled*, which completely correlates with the wording of part c of section 1 of the policy, which itself leads onto the provisions of policy CP4. I also note that in the pre-ambule to the policy it is made clear in paragraph 4.12 that CP4 sets out the overall approach to be taken in the rural areas.
13. Overall therefore, both of the proposed developments would conflict with the spatial strategy other than possibly criterion 4b of CP4 which I will return to in due course.

Character and appearance

14. The appeal site lies a little way from the centre of Beckington and about 100m from its development boundary. There is development to the south-west of the site in the form of a petrol filling station, coffee shop and Travelodge and also two housing estates, although I note that these were given planning permission when the Council could not demonstrate a five year supply of housing sites, a situation which has now changed. There are also a small number of houses further to the west, separated from the appeal site by a field. In general however, the area to the north and west of the A36/A361 roundabout is very agricultural with little built form in evidence.
15. The proposed development in Appeal A would radically change this, with the imposition of industrial style units, a large car showroom and its associated parking and hardstandings. Whilst the site has some screening and I acknowledge that this could be reinforced, the proposed buildings would be seen through this in the short term, particularly in the winter, and over it for many years. There would inevitably be harm to both the character and appearance of the area.

16. In respect of Appeal B, whilst the quantum of built form would be less, I nonetheless consider that the character and appearance of the area would be harmed in a similar manner to Appeal A.
17. In both cases therefore conflict would occur with policy DP1 of the LP. This policy seeks to ensure, amongst other things, that proposals contribute positively to the maintenance and enhancement of local identity and distinctiveness.

Accessibility (Appeal A only)

18. The Transport Statement supplied by the appellants indicates that there is a bus stop less than 300m from the site and concludes that commuting to the site by bus is *entirely possible*. I acknowledge this and also accept that potentially some people could walk from Beckington to work in the proposed business and employment units.
19. However, whilst it may be possible to access the proposed development by bus, given its relatively isolated position I consider that this would be the exception rather than the rule. Indeed, the very nature of the car showroom would tend to generate trips by private car. I cannot accept therefore that the site is in a particularly accessible location. Conflict would therefore occur with policy DP9 of the LP. This policy requires that proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport.

Planning balance

20. I have found that both of the proposed developments would cause harm to the character and appearance of the area. Furthermore, the development proposed in Appeal A would also conflict with development plan policy by virtue of its relatively inaccessible location. In terms of the spatial strategy, given my findings on character and appearance and in the case of Appeal A on accessibility, the manner and scale of either of the proposed developments cannot be said to be appropriate to the location and the constraints upon it. Conflict with policies CP1 and CP4 also therefore exists in both instances.
21. There are however several aspects of the proposed developments that constitute positive factors. In both proposed developments job opportunities would be created, including a co-working hub in Appeal A, and a number of electric vehicle charging points would be provided in the Appeal B development and could be provided by imposition of a suitable condition (to which the appellants are agreeable) in the Appeal A development. In respect of the charging points I note the paucity of these in the area and acknowledge that they promote sustainability. I give considerable weight to these matters.
22. In respect of Appeal A my attention has also been drawn to a letter from Carter Jonas dated 2 August 2018 which alludes to a shortfall in employment land availability within Mendip. However, both the appellants and Council refer to an employment site in Frome and from the evidence before me I am not persuaded that there is such a lack of currently available suitable employment sites that Appeal A should be allowed given the harm that has been identified.
23. My attention has also been drawn to a number of publications such as the Frome Economic Strategy and the Road to Zero Strategy which the appellants consider lend support to their proposals. However, these are not documents

adopted as part of the development plan and can therefore be given only very limited weight.

24. I note that the National Planning Policy Framework includes several paragraphs that support economic growth. This does however have to be balanced against sustainability in the broadest sense, which includes protecting the natural environment. I also note that the appeal site would be an ideal location for a car dealership and for electric vehicle charging points and have taken this into account in my deliberations.
25. Finally, my attention has been drawn to several other developments undertaken by the appellants. However, every case has to be decided on its own merits, including the site specific circumstances and the planning policy situation pertaining at the time. I cannot therefore accept that these other schemes can be taken as compelling precedents for allowing the current appeals.
26. Overall, whilst I give considerable weight to the positive factors identified above, they do not outweigh the harm that has been identified.

Conclusions

Appeal A

27. By virtue of my above reasoning, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Appeal B

28. By virtue of my above reasoning, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector