

Appeal Decision

Site visit made on 1 June 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/R3325/W/17/3168105

Long Orchard Farm, Pibsbury, Langport, Somerset, TA10 9EJ.

- 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 Mr John Crossman against the decision of South Somerset District Council (the LPA).
 - The application Ref.16/00621/FUL, dated 10/2/16, was refused by notice dated 1/8/16.
 - The development proposed is described as the *conversion of a double garage into a one bedroom dwelling (retrospective)*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal on the basis of the 'red line' site location plan ref. F1310/LOC A.
3. The LPA accepts that it is unable to demonstrate five years housing land supply as required by the National Planning Policy Framework (the Framework). I understand that it can demonstrate about four years supply. As a consequence, the provisions of paragraph 49 of the Framework are engaged and the tilted balance contained within paragraph 14 of the Framework applies.
4. In 1998 outline permission was granted for the erection of an agricultural workers dwelling and garage on land at Orchard Farm (ref. 94/01798/OUT) with the reserved matters approved in 2000 (ref. 99/02303/REM). This dwelling (Long Orchard Farm) is located immediately to the south east of the appeal site and is the subject of an agricultural occupancy restriction.
5. The LPA has informed me that the building to which this appeal relates has not been built in accordance with the drawings/permission for the garage at Long Orchard Farm. I note from the application form that works on the appeal building started in April 2013 and were completed in March 2014. I understand that the building has been occupied as a separate dwelling since that time.

Main Issue

6. The main issue is whether the appeal scheme comprises sustainable development, having particular regard to local and national planning policies for safeguarding the character of the countryside and those aimed at making the fullest possible use of alternatives to the car.
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Reasons

7. Policy SD1 of the development plan¹ reflects the presumption in favour of sustainable development as provided for within the Framework. LP policy SS1 sets out the settlement strategy and identifies a hierarchy of settlements and the scale of growth. Under LP policy SS2, development in Rural Settlements (not Market Towns or Rural Centres) is strictly controlled. Policies SS1 and SS2 reflect the strategic objectives of the LP which include meeting the required housing growth for the district and protecting the natural environment. These are consistent with core principles of the Framework.
8. The appeal site is located within the countryside and beyond a ribbon of development² on the opposite side of the A372. On behalf of the appellant, it has been calculated that the site is 140m east of another site where planning permission has recently been granted for two new dwellings³. As I saw during my visit, there is intervening countryside between these two sites and the latter is opposite the row of dwellings on the northern side of the main road.
9. The appeal site does not form part of the Local Market Town of Langport/Huish Episcopi, to which LP policy SS1 relates and is divorced from any Rural Settlement to which LP policy SS2 applies. Even if the site did form part of a Rural Settlement, the appellant's personal circumstances would not meet an identified housing need or result in a more balanced community as required by policy SS2. An additional dwelling in this location would intensify residential activity/use and erode the rural character of the area. This adverse impact would not be outweighed by the removal of some sheds within the site.
10. Pibsbury does not contain any of the key services identified in paragraph 5.41 of the LP. Nevertheless, when applying LP policy SS2 such services could be provided within a cluster of settlements. The Framework also recognises that the opportunities for maximising sustainable transport solutions vary from urban to rural areas. The appellant has drawn attention to services in Huish Episcopi and Langport and has informed me that he regularly walks to the pub.
11. As part of my visit, I walked from the site to the two nearest key services⁴. In all likelihood, due to distance and the lack of a footway along the A372 between the appeal site and the ribbon of housing to the north west, future occupiers of the appeal building would be deterred from walking to key services. This would be especially so during poor weather conditions and/or dark evenings. I have not been made aware of any convenient public transport services and it is unlikely that residents would chose to cycle along the A372 for work/shopping/healthcare appointments. The appeal site is poorly related to services/facilities and the proposal would increase the need to travel by car. The development is at odds with the LPA's adopted settlement strategy.
12. I note the situation the appellant finds himself in following a dispute with his daughter over the occupation of the farmhouse. I also note his argument that he and his wife support local services/facilities and both work part-time in local businesses⁵. However, circumstances could change and these matters do not

¹ This includes the South Somerset Local Plan 2006-2028 (LP).

² In essence, this ribbon of housing comprises Pibsbury.

³ This other site has a lengthy planning history which included a certificate of lawfulness for business use.

⁴ The Rose and Crown public house at Huish Episcopi and St. Mary's Church at Langport.

⁵ The appellant is semi-retired and assists his son who runs a farm business and his wife works in a neighbouring flower business.

justify permitting this additional dwelling outside the confines of a settlement and setting aside important planning policies for protecting the character of the countryside and guiding development to the most sustainable locations.

13. My attention has been drawn to some other sites within the area where the LPA has approved residential development. However, it appears that there are material differences with appeal scheme, including the proximity to Huish Episcopi and various enhancement works. Whatever the merits of these other developments they do not set a precedent that I must follow.
14. I have determined the appeal on its own merits. Nevertheless, if permission was granted it would be likely to make it very difficult for the LPA to resist any future applications to remove the agricultural occupancy condition on the neighbouring house or to control the spread of development between the appeal site and the permitted houses to the west. In this regard, the planning history suggests that an application to lift the occupancy tie could be forthcoming and it would be surprising if there was not pressure for further housing within this attractive rural area. The loss of this agriculturally tied dwelling could harm the efficient operation of the local agricultural industry and the erosion of the countryside to the west of the appeal site would result in further cumulative harm to the character of the area.
15. The appeal scheme increases the choice and supply of housing within the district and would help address the shortfall in supply. However, the adverse impacts (erosion of the rural character and conflict with the settlement strategy) would significantly and demonstrably outweigh these benefits when assessed against the policies in the Framework taken as a whole.
16. I conclude that the appeal scheme does not comprise sustainable development. The appeal should not therefore succeed.

Neil Pope

Inspector