



# Appeal Decision

Site visit made on 11 July 2017

**by Rory Cridland LLB (Hons), Solicitor**

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

**Decision date: 22<sup>nd</sup> August 2017**

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**Appeal Ref: APP/R3325/W/17/3172075**

**Land at Ducks Hill, Huish Episcopi, Langport TA10 9EN**

- 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 P C Jotcham against the decision of South Somerset District Council.
  - The application Ref 16/04427/FUL, dated 10 October 2016, was refused by notice dated 28 November 2016.
  - The development proposed is the formation of vehicular access, erection of four private dwellings with associated parking and domestic curtilage, and landscaping works.
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## Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular access, erection of four private dwellings with associated parking and domestic curtilage, and landscaping works at Land at Ducks Hill, Huish Episcopi, Langport TA10 9EN in accordance with the terms of the application, Ref 16/04427/FUL, dated 10 October 2016 subject to the conditions set out in the attached Schedule.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

3. The appeal site is situated outside a recognised settlement boundary. It consists of an area of agricultural land that forms part of a strategic gap which separates the settlements of Huish Episcopi and nearby Pibsbury. There are a number of detached dwellings located nearby as well as a number of modest semi-detached dwellings located directly opposite on the southern side of the road. These occupy a generally central position between the fields to the east and west.
4. The Council accepts that the site is sufficiently well located to access key local services. It is, however, concerned that the proposal would result in the erosion of the gap between the settlements and would, in turn, negatively impact on the character of the surroundings area. However, the Council has not pointed to any specific development plan policy which seeks to preserve such gaps in general or this one in particular. Instead, it points to Policy EQ2 of the South Somerset Local Plan (2006 – 2028) (LP) which requires new development to achieve high quality design which preserves or enhances the character of the district, including its landscape.
5. While I accept that the proposal would increase the amount of built form in the gap, it would not extend the built environment further east or west which

would help ensure that any impact on the gap itself would be limited. In view of their central location and the semi-detached dwellings opposite, the proposed dwellings would not result in any meaningful coalescence of the settlements. I therefore conclude that any harm in this respect would be limited.

6. Turning then to the impact on local character, viewed in the context of its surroundings, the introduction of 4 new dwellings in this location would not materially impact on the character of the surroundings. They would appear neither prominent within the street scene nor the wider landscape. While I accept it would result in a change from agricultural to residential use on the site itself, small scale residential development is already established along this section of the A327 and sufficient land would remain to ensure that the setting of either settlement was not materially compromised.
7. Likewise, although I acknowledge that the creation of a separate access road would be at odds with the established character, the landscaping proposed would go some way to containing the development, particularly in views from the west. While I note the Council's concerns regarding the ongoing management of the landscaping, I see no reason that an acceptable scheme of management could not be secured by means of a condition.
8. Consequently, I find the proposal would not result in an unacceptable loss of a strategic gap or be harmful to the character and appearance of the surrounding area. As such, I find no conflict with LP Policy EQ2 which requires new development to achieve high quality design which preserves or enhances the character of the district, including its landscape.

### **Other Matters**

9. While I note the site is located on Grade 3a agricultural land, in view of the Council's inability to demonstrate a 5 year supply of deliverable housing sites, I do not consider the loss of this small area would significantly and demonstrably outweigh the overall benefits of the scheme.
10. I have noted the concerns of local residents and the Parish Council which were submitted both at the application stage and as part of this appeal. However, I have not seen any evidence which would lead me to conclude that the scheme would pose any significant flood risk, risk to highway safety or place undue pressure on existing service infrastructure. Similarly, I have seen no robust evidence to indicate that it would result in unacceptable impacts on local ecology. Furthermore, I note that these matters do not form part of the Council's reasons for refusal set out in the decision notice. On balance, I am satisfied that they would not provide sufficient grounds to justify withholding permission for the development proposed.
11. While I note the appeal decision referred to by local residents which considered similar issues to those above, the Inspector in that case considered the development would be at odds with the linear character of the built form in the immediate locality. I have found above that the character of the immediate area would not be materially affected. As such, I do not consider that decision provides support in favour of a refusal of permission.

### **Conditions**

12. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
13. Those in respect of materials and landscaping are appropriate in order to limit the impact on the character and appearance of the surrounding area as is a scheme of future management. Furthermore, conditions requiring further details for surface water and foul drainage are necessary in the interests of flood prevention and public health.
14. Conditions relating to visibility splays, the stopping up of the existing agricultural access, details of the proposed footways and verges, the construction of the access and the submission of a Construction Environmental Management Plan are appropriate in the interests of highway safety.
15. I have, however, modified the wording of some of the conditions proposed in order to more effectively guard against the risks identified, or to provide more precision and certainty. Furthermore, a number of these conditions will need to be discharged before work commences on site as they relate to matters which need to be resolved on a fully coordinated basis.

### **Conclusion**

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

*Rory Cridland*

INSPECTOR

## SCHEDULE

### Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos: 1947-PL-01A; 1947-PL-02A; 1947-PL-04A; 1947-PL-05; 1947-PL-06; 1947-PL-07; & 1947-PL-08.
- 3) No development above damp proof course level shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) materials (including the provision of samples where appropriate) to be used for external walls and roofs;
  - b) full design details and material and external finish to be used for all windows, all external doors, lintels, boarding and openings;
  - c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
  - d) details of the surface material for the parking and turning area; and
  - e) details of all boundary treatments.
- 4) No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
  - i) Construction vehicle movements to and from the site;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) measures to mitigate construction impacts;
  - viii) details of pollution prevention measures;
  - ix) a scheme for encouraging the use of public transport amongst contractors;
  - x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - xi) delivery, demolition and construction working hours.
  - xii) measures to avoid traffic congestion impacting on the strategic road network.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 5) The buildings shall not be occupied until a suitable means of access shall have been constructed in accordance with details that have shall have first been submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.
- 6) The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing.
- 7) No development shall take place until a scheme for the discharge of surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) The existing agricultural access shall be blocked off and its use permanently abandoned within 1 month of the new access hereby permitted being first brought into use.
- 9) No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully implemented prior to occupation of the development, and thereafter retained.
- 10) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) No part of the development permitted shall be occupied until details of a scheme of management, to cover ownership and management in perpetuity of the private access way and the proposed orchard to the west of the development, have been submitted to and approved in writing by the Local Planning Authority. No development hereby permitted shall be occupied unless such details have been fully implemented.

END OF SCHEDULE