



Appeal Decision

Site visit made on 28 November 2017

by **Stephen Hawkins MA MRTPI**

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

Decision date: 15TH December 2017

Appeal Ref: APP/R3325/W/17/3178418

Land at Rachel's Stables, Temple Lane, Templecombe BA8 0JW

- 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 Miss R Badger against the decision of South Somerset District Council.
 - The application Ref 16/05511/FUL, dated 22 December 2016, was refused by notice dated 2 March 2017.
 - The development proposed is erection of a timber cabin for use as a dwelling with associated landscape works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both main parties made representations following the recent judgment in *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin).

Main Issues

3. Following evidence submitted with the appeal the Council accepted that there would be no harm to highway safety. Therefore, the main issues are:
 - Whether the proposal would contribute to meeting an identified local need for housing.
 - Whether the location is accessible to services, facilities and employment opportunities.
 - The effect on the character and appearance of the area.
 - Whether suitable living conditions would be provided for future occupiers of the dwelling, having regard to odours from nearby uses.

Reasons

Local need

4. The appeal site is around 300 metres beyond the built-up part of Templecombe. It is adjacent to stables, with two detached dwellings, farm buildings and an industrial building in the vicinity. Therefore, I do not regard the site as being 'isolated' in the sense of being "far away from other places,

buildings or people; remote". Accordingly, the proposal would not amount to a 'new isolated home in the countryside' as meant by paragraph 55 of the National Planning Policy Framework (the Framework). Nevertheless, Templecombe is a Rural Settlement in the adopted South Somerset Local Plan 2006-2028 (LP) and is therefore regarded as part of the countryside by LP Policy SS1. LP Policy SS2 strictly limits housing development in Rural Settlements to that which would meet an identified need.

5. The difficulties faced by younger people aspiring to home ownership are outlined in the Housing White Paper¹. At a more local level, the LP recognises that two-bedroom housing can be in limited supply for local people. The Somerset Strategic Housing Market Assessment recommends focussing on providing small family market housing for younger households; two-bedroom homes are a substantial proportion of the overall market housing requirement.
6. The appellant has established local connections. The Parish Council and a number of interested parties support the proposal on the basis that it would meet a local need. Information accompanying the appeal suggests that there has been a significant increase in the average price of two-bedroom houses in the village over the past two years. This may indicate a widening affordability gap for prospective first-time buyers. Even so, information supplied by an interested party suggests that there are a number of two-bedroom properties in the surrounding area priced well below the local average. Ultimately, I have not been provided with a detailed local needs assessment which establishes the precise nature and extent of any housing need in the village.
7. Consequently, whilst I recognise the general need for such accommodation in the Council's area, there is no firm evidence before me which identifies a specific local need in the village for two bedroom market housing, in the absence of which the suggested occupancy conditions would fail the tests at paragraph 206 of the Framework. As a result, the proposal would not accord with LP Policy SS2 as it would not meet an identified local need for housing. By extension, the proposal would not accord with the Settlement Strategy in LP Policy SS1. It follows that the proposal would not accord with LP Policy SD1.

Accessibility

8. The site is within the accepted maximum walking and cycling distances of a range of village services and facilities including a primary school, a pub (currently closed) and a convenience store, as well as good public transport links at the railway station and a substantial local employment opportunity at Thales, an international manufacturing company.
9. Nevertheless, accessing those locations from the site would involve travelling along Temple Lane. This is relatively narrow, for the most part it has no separate footway and it is unlit outside of the built-up area. Whilst levels of traffic along the lane appear relatively low, the national speed limit applies beyond the built-up area. The lane is used by commercial vehicles including HGVs. It would also be necessary to travel along parts of the High Street with no separate footways, where the carriageway narrows in places. Gaps at the front of High Street properties would only provide fragmented pedestrian refuges. Although it has a reduced speed limit, I understand that High Street can experience high levels of traffic, especially at peak times.

¹ Fixing our broken housing market DCLG February 2017.

10. All of the above factors are likely to result in both roads being perceived as relatively unsafe or inconvenient to travel on by pedestrians and cyclists, especially those accompanied by young children, during inclement weather and at night. I appreciate that the County Council assessed these roads as being feasible to walk along. However, that does not necessarily equate to how those intending to travel the route might perceive it. Recreational activity will to some extent be driven by choice and is more likely to take place outside of peak traffic times. Therefore, use of the above roads for recreation is not comparable with the limited travel choices that would be available to future occupiers of the dwelling in order to meet their day-to-day needs.
11. Consequently, although it is inevitable that rural residents will undertake at least some private vehicle journeys, it is likely that the future occupiers of the dwelling would be largely reliant on their cars in order to access village services, facilities and employment opportunities. Given its modest size, the dwelling is unlikely to give rise to a substantial number of car-borne journeys. Even so, the proposal would not promote a modal shift from car use to more sustainable forms of transport.
12. The accessibility of the site does not compare with the recent appeal decision referred to concerning a dwelling². Another recent appeal decision in the Council's area³ has some similarities with this appeal. As each case has to be considered on the basis of its individual circumstances I have afforded both decisions little weight. At Slades Hill⁴, a much larger scale development in the village offered significant economic and social benefits which contributed to its overall sustainability. Consequently, whilst the proposal would involve less traffic movements it is not comparable with that scheme.
13. Therefore, the proposal would not be consistent with the Framework core planning principle at paragraph 17 of managing patterns of growth to make the fullest use of public transport, walking and cycling and it would not be consistent with paragraphs 29 and 32, as opportunities for sustainable transport solutions have not been maximised. Also, the proposal would not assist in the transition to a low carbon future in a changing climate or reducing pollution, as required by the Framework core planning principles.

Character and appearance

14. The site is located in countryside comprised of a patchwork of open fields, where development is largely limited to scattered farmsteads and other rural-based enterprises. It is adjacent to and opposite areas of land in open, rural uses. The adjoining stable block and nearby farmhouse and farm buildings are accepted features in a rural landscape. Consequently, the site and surroundings possess a largely pastoral character and appearance. Whilst the surrounding countryside is not subject to any local or national landscape designation, its qualities contribute positively to the attractive, predominantly rural character and appearance of the area.
15. The dwelling would be of relatively modest scale. Its muted colours would assist in diminishing the visual impact on the surroundings and it would be viewed in conjunction with the adjoining stable block. The substantial hedge

² Ref: APP/T3725/W/17/3169765.

³ Ref: APP/R3325/W/16/3158619.

⁴ Ref: APP/R3325/A/13/2196919.

along the frontage would help soften the visual effects of the built form and residential activity and paraphernalia within the curtilage. Nevertheless, the dwelling would be in a location largely unrelated to other residential properties. Its overall bulk would still be visible in the surroundings to an extent, particularly from the lane during the winter and early spring. Also, the frontage hedge is outside of the site and it does not appear to be in the appellant's control. Therefore, the hedge might be significantly reduced in height and thickness at some stage in the future, exposing the dwelling to wider views along the lane and in the surroundings. Additional landscape planting would not assist in integrating the dwelling in its surroundings, as it would draw attention to the presence of built form in the otherwise largely open landscape.

16. As a result, the dwelling would appear as an alien feature its otherwise predominantly rural context, unacceptably eroding the pleasant countryside qualities of the surroundings. Consequently, the proposal would cause unacceptable harm to the character and appearance of the area and would not accord with LP Policy EQ2, as it would not conserve local landscape character.

Living conditions

17. The site is around 200 metres from a sewage treatment works (STW), around 100 metres from the nearby farm buildings, which are used for housing livestock. Planning Policy Guidance (PPG) indicates that air quality can be relevant where a planning decision would expose people to existing sources of air pollutants by building new homes, workplaces or other development in places with poor air quality⁵.
18. During my visit, there were no noticeable odours at the site or in its environs. However, the likelihood of odours from the nearby uses is likely to vary due to a number of factors, including the season and weather conditions. Although the appellant and an interested party differ on the numbers of cattle reared at the nearby farm, there is no firm evidence before me to suggest that the farm is not a substantial livestock enterprise. Whilst information on the risk of odours might not have been sought prior to permitting the nearby farmhouse, I have to consider this proposal on the basis of its individual circumstances.
19. I understand that when planning permission was granted for the farm buildings in 2012, there were no objections in respect of potential odours. There are no records of recent odour complaints in respect of the farm or the STW, in relation to which the site is in the outer area at risk of nuisance. Even so, the lack of previous objections or complaints is not a reliable indicator of what might happen in the future.
20. Consequently, whilst noting that an odour assessment was not required when the application was submitted, I have no firm evidence to indicate that the future occupiers of the dwelling would not be exposed to an unacceptable risk of odours from the nearby uses. As a result, the proposal would be inconsistent with the Framework core planning principle of always seeking to ensure a good standard of amenity for future occupiers. It follows that the proposal would also be inconsistent with the Framework at paragraphs 56 and 120, as it would not create an attractive and comfortable place to live and it

⁵ Paragraph: 005 Reference ID: 32-005-20140306.

would not ensure that unacceptable risks from pollution are prevented and that new development is appropriate for its location.

Other matters

21. The appellant's personal circumstances have to carry limited weight, as they could change quickly whilst the dwelling will remain for a long time. Whilst interested parties have suggested that there are similar developments in the locality, I have not been made aware of comparable schemes and in any event each case is dealt with on its individual merits. Reference has also been made to reductions in fly tipping and speeding vehicles. However, neither matter was supported by substantive evidence or what I observed during my site visit. Therefore, I have given these matters little weight.

Planning balance

22. It is common ground between the main parties that the Council cannot demonstrate a 5-year housing land supply. In setting out the approach to paragraph 49 of the Framework, the Supreme Court⁶ made it clear that the important question is not how individual policies are defined, but whether the operation of Development Plan policies has resulted in a shortfall in a five-year supply of housing land. The LP was adopted recently, following publication of the Framework. Consequently, the conflicts with LP policies should carry significant weight.
23. Sustainable development has to be assessed against three roles-economic, social and environmental. All three roles are mutually dependent. The proposal would provide an economic benefit, notably short-term jobs in the construction sector. With an agreed current supply of 4 years, 2 months, the Council's shortfall in its 5-year supply of housing land is worsening. The contribution to housing provision is a social benefit. There would also be a social benefit in terms of future occupiers contributing to maintaining and enhancing the vitality of local services and facilities. Even so, due to the small scale of the proposal these benefits can only carry limited weight.
24. The proposal would not contribute to protecting the natural environment or mitigating and adapting to climate change, including moving to a low carbon economy. Therefore, the proposal would not fulfil the environmental role. Accordingly, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not amount to sustainable development.

Conclusion

25. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

⁶ *Suffolk Coastal District Council v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership & SSCLG v Cheshire East BC* [2017] UKSC 37.