



Appeal Decision

Site visit made on 5 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22 December 2017

Appeal Ref: APP/R3325/W/17/3177206

Land West of Pilgrims Way, Hornblotton Green Road, Lovington, Castle Cary BA7 7PP

- 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 Mr J Farthing, Brue Farms Limited against the decision of South Somerset District Council.
 - The application Ref 16/02621/OUT, dated 14 June 2016, was refused by notice dated 11 May 2017.
 - The development proposed is six open market dwellings with land for up to four affordable dwellings and construction of new access and footway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with matters relating to appearance and landscaping reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of scale, layout and access.

Main Issue

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

Reasons

4. The appeal site consists of part of an agricultural field situated along the B3153 and located on the western edge of the village of Lovington. The surrounding area is rural in character with development spread out over a wide area. Although the mature hedging along its boundary with the B3135 provides some modest screening of the site from the road, a public right of way¹ passes diagonally through the site and it is mostly open to views from the surrounding landscape.
5. Policy SS2 of the South Somerset Local Plan 2006-2028² (LP) restricts development in rural settlements other than in a limited number of defined circumstances and only where it is commensurate with the scale and character of the settlement. Similarly, LP Policy EQ2 requires new development to,

¹ FP W/N 15/13.

² adopted 2015.

- amongst other things, reinforce local distinctiveness, respect local context and to conserve or enhance local landscape character.
6. The proposal would involve the erection of 6 dwellings together with a new access road in what is essentially open countryside on the entrance Lovington. They would be visible from a number of vantage points both along B3135 and within the wider landscape. While I note the appellant's suggestion that the area should be considered to be more urban or 'sub-rural' in character, in view of its limited size and large geographical area, I do not agree with that assessment. When viewed from the B3135, Lovington is clearly a rural community characterised by secluded pockets of development. The addition of a significant amount of built form in this location would significantly alter this part of the settlement, introducing a more urban form of development to an area which is characteristically rural in nature. This would erode local distinctiveness and fail to preserve or enhance the character and appearance of the surroundings.
 7. Furthermore, the development would be highly visible from the nearby public footpath. With walkers having a high susceptibility to change, the impact would be considerable. The new dwellings would be clearly visible to path users and would appear in stark contrast to the existing rural outlook. They would appear as a prominent addition to the surrounding landscape which would further erode the rural character of this side of the village.
 8. The appellant has argued that the proposal would fall within the exemptions set out in Policy SS2 in that they would enable a separate employment based development at nearby Brue Farm³ to proceed as well as making a contribution to the area's need for affordable housing. However, in relation to the former, there is nothing which would indicate that implementation of the outline permission at Brue Farm is dependent upon the securing of the present scheme. Likewise, in relation to the latter, notwithstanding the lack of any identifiable need, the proposed development does not, in itself, secure any meaningful contribution to affordable housing in the district. Instead, the appellant proposes to gift land for such purposes. This does not, in my view, satisfy the requirements of Policy SS2. Accordingly, I do not consider the proposal would benefit from either of the above exemptions.
 9. Consequently, I consider the proposal would fail to reinforce local distinctiveness, fail to respect local context and would be harmful to the character of the surrounding area as well as the wider landscape. As such, it would be in conflict with LP Policies SS2 and EQ2 both of which, amongst other things, aim to protect against such harm.

Planning Balance

10. The Council accepts that it does not have a deliverable 5 year supply of housing land. Government policy as set out in the National Planning Policy Framework ("the Framework") advises that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

³ Planning Permission Ref: 16/02622/OUT.

11. The proposal would result in an additional 6 dwellings. Although not considerable, this would nevertheless make a meaningful contribution towards the local housing supply. I afford this a moderate amount of weight. Furthermore, it would provide a number of other benefits including its contribution to the local economy as well as providing some support for local services. Individually, these benefits are modest, however, cumulatively they provide some support in favour of the proposal and I also afford them a moderate amount of weight.
12. The appellant has also submitted a Unilateral Undertaking which includes obligations to transfer a portion of land to a registered affordable housing provider. However, I note that here is no firm policy basis for requiring such a contribution and that no actual affordable housing has been secured as part of the development. As such, I afford it only limited weight.
13. However, I have found above that the proposal would fail to reinforce local distinctiveness, fail to respect local context and would be harmful to the character of the surrounding area as well as the wider landscape. In view of the site's prominent location on the edge of the village and its visibility within the surrounding landscape, I consider the resultant harm would significantly and demonstrably outweigh the benefits identified above.

Conclusion

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

Rory Cridland

INSPECTOR