



Appeal Decision

Site visit made on 17 October 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 11 January 2018

Appeal Ref: APP/R3325/W/17/3175174

Land adjacent Lazy Days, Marsh Lane, Henstridge, Templecombe BA8 0SF

- 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 and Mrs Nettley against the decision of South Somerset District Council.
 - The application Ref 17/00673/FUL, dated 10 February 2017, was refused by notice dated 29 March 2017.
 - The development proposed is erection of a detached two storey dwelling with improved alterations to the existing vehicular access with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Henstridge Conservation Area (CA) and, if harm arises, whether this is outweighed by other material considerations.

Reasons

3. The appeal site comprises a field with a broadly rectangular footprint adjacent to a large detached dormer bungalow (Lazy Days) along Marsh Lane. The appeal site is parted from Lazy Days by a low timber post and rail fence. Along its other boundaries with the exception of Marsh Lane the appeal site is bound by fields.
4. Located on the edge of the rural settlement of Henstridge the appeal site falls within the CA.
5. Policy EQ3 of the South Somerset Local Plan (LP) requires that all new development proposals relating to the historic environment will be expected to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. Policy EQ2 of the LP amongst other matters seeks to conserve and enhance the landscape character of the area and reinforce local distinctiveness.
6. Whilst there is no presumption against development in Conservation Areas, paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the

- significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA is centred about the High Street and limited sections of a few roads which branch off it, including Marsh Lane. From my observations the CA is characterised by a range of traditional houses, cottages, more modern dwellings also of a local style and associated spaces. The unifying factors of the CA include the strong focus of development along the High Street through Henstridge, proximity of buildings to roads, traditional vernacular and the extensive use of stone.
 8. A further unifying and distinct characteristic of the CA is a swathe of green infrastructure along its eastern boundary, which includes the appeal site. This area defines a predominantly undeveloped semi-rural edge to the CA, with more open countryside beyond. I note that the appeal site and fields north of it along with their associated field boundaries also broadly coincide with the medieval origins of Henstridge as shown on historic maps. Consequently, the appeal site makes a positive contribution to the significance, history, character and local distinctiveness of the CA.
 9. Marsh Lane is built up near to its junction with High Street but travelling east from this location it quickly becomes distinctly semi-rural in character and appearance, particularly beyond Lazy Days. This marked change is characterised by the narrow lane intimately flanked by high hedges with fields beyond.
 10. The appeal site is maintained in such a way that the field has a domestic appearance. However, due to the absence of development, its verdant character and extensive hedging along the boundary with Marsh Lane it positively contributes to the undeveloped semi-rural edge to the CA. Furthermore, because of its semi-rural character and appearance, when viewed from along Marsh Lane and because of the adjoining fields to the north and east and further fields south of the lane, the appeal site clearly identifies with the surrounding open countryside. The contribution of the appeal site to the semi-rural character and appearance along Marsh Lane is further noticeable because of its relatively wide frontage and elevated position relative to the lane.
 11. Despite being set back into the appeal site, the retention of existing landscaping and having a relatively low density layout; the introduction of a sizeable, principally two-storey dwelling in an elevated position relative to the lane would erode the undeveloped character and change the appearance of the site. The height and size of the proposed dwelling would mean that it would be evident in views along Marsh Lane, particularly as the front hedge, which is considerable in length would need to be re-aligned and maintained at a low height to achieve the requisite visibility splays. Consequently, the appeal site would appear developed and more visible.
 12. I acknowledge that the proposed development would also appear as a continuation of existing development along Marsh Lane and has been designed having regard to the local vernacular. However, development of this nature would appear as a significant intrusion of built development onto the appeal site thereby eroding and detracting from the semi-rural character and appearance of the site, which would significantly undermine the undeveloped semi-rural character of the CA, which the appeal site forms part of.

13. I note the appellants' offer of a landscaping scheme, which could be secured by a condition. However, given the topography of the appeal site and the requirement to maintain visibility splays along the frontage combined with the scale of the proposed dwelling, I am not persuaded that such a scheme would preserve the undeveloped semi-rural character of the appeal site.
14. For the above reasons the development would fail to preserve or enhance the character or appearance of the CA. The significance of the heritage asset would be harmed. I attach considerable importance and weight to the desirability of avoiding any such harmful effect. I therefore find conflict with Policy EQ3 of the LP.
15. Also and notwithstanding the absence of a Landscape Strategy for the district, given the above reasons, the proposed development would have an intrusive and erosive effect on the predominantly semi-rural landscape in this location, which would harm the character of the area. Consequently, the proposal would also be contrary to the aims of Policy EQ2 of the LP.
16. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

Other Considerations and public benefits

17. In this particular case the appellants have advanced a number of benefits arising from the proposal, which include the provision of an additional dwelling. I note from the Council's officer report that there is support in principle for development in this edge of settlement location. Therefore, bearing in mind the objective (paragraph 47 of the Framework) to boost significantly the supply of housing, the proposal would provide an additional dwelling of a type which is needed in the district.
18. There would also be economic benefits associated with the proposal including the provision of construction jobs and additional finances associated with the New Homes Bonus. Additionally, a further single dwelling would support and help to maintain the viability of existing facilities in the settlement and nearby.
19. The appellants have also suggested that the proposal performs an environmental role by preserving land of higher environmental quality by making use of the appeal site, which is considered to be of unremarkable quality. However, having found that the appeal site makes an important contribution to the distinctive semi-rural character of the area, I do not judge such an environmental role to be a benefit in this particular case.
20. Whilst I acknowledge the above socio-economic public benefits, these relate to a single dwelling and therefore would be limited and in my judgement would not outweigh the harm to the CA.
21. The appellants assert that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the Framework, which the Council does not deny. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.

22. The appellants have also advanced a number of social, economic and environmental benefits arising from the proposal as already detailed above.
23. In addition, to illustrate that the Council has supported development beyond the built-up edge of Henstridge, the appellants have referred me to planning application 16/21259/FUL, for the: 'Erection of a new dwelling (Revised Scheme) (GR 372566/119897)' at Land adjoining Keyham Cottage, Vale Street Henstridge. This was approved subject to conditions by decision notice dated 20 July 2016. I have considered the information provided and visited the area. I note that Vale Street is predominantly built-up with development opposite the site. Furthermore, the proposed dwelling would be substantially screened by mature trees and the site is also outside the Henstridge Conservation Area. As such, the context and circumstances of this proposal are different to the appeal before me, which I have considered on its merits.
24. I am also aware that there is some local support for the proposal. However, this in itself does not outweigh the harm arising from the proposal, which I have identified above.

Planning Balance and Conclusion

25. I have found that the proposal would conflict with Policies EQ2 and EQ3 of the LP. These policies are broadly consistent with the Framework, and therefore I attribute significant weight to the conflict with them.
26. Set against the above harm, I have identified the social and economic benefits of addressing the under supply of housing in the District. I attach limited weight to the provision of a single dwelling.
27. For the above reasons, in this instance the harm to the significance of a designated heritage asset is not outweighed by the public benefits of the proposal. I therefore find conflict with paragraph 134 of the Framework.
28. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where, as in this case, relevant policies are out of date planning 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 taken as a whole; or where specific policies in the Framework indicate that development should be restricted (such as designated heritage assets). My finding in respect of Paragraph 134 of the Framework means that specific policies in the Framework indicate that development should be restricted.
29. Consequently, the normal planning balance should apply. The development is contrary to the Local Plan and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR