



Appeal Decision

Site visit made on 16 August 2018

by **M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2018

Appeal Ref: APP/R3325/W/18/3201425

Hales Lea, Up-Mudford Road, Mudford, Yeovil BA21 5TA

- 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 Hales Lea Partnership against the decision of South Somerset District Council.
 - The application Ref 17/04632/OUT, dated 27 November 2017, was refused by notice dated 22 January 2018.
 - The development proposed is for land to be developed for Self-Build and Custom Housebuilding.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by South Somerset District Council against Hales Lea Partnership. This application is the subject of a separate Decision.

Procedural Matter

3. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on this basis.
4. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant, the Appellant responded stating that following publication of the revised Framework their position has not changed. Both main parties have been given the opportunity to make comments on the revised Framework and so no injustice has been caused to any of the appeal parties. I have considered the appeal on the basis of the revised Framework.

Main Issue

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

Reasons

6. The appeal site lies to the south east of the village of Mudford and currently comprises part of a larger agricultural field, affording views over the surrounding agricultural landscape. Mudford is predominantly arranged in a linear manner either side of the A359 road, on a north-south alignment. There

are departures from this linear arrangement of dwellings, most notably the development known as Hales Meadow which lies directly adjacent to the appeal site, with a number of the dwellings within Hales Meadow having a frontage to Up-Mudford Road. However most of the dwellings within this existing development do not front Up-Mudford Road but lie behind the dwellings which face the A359; an arrangement that is at odds with the prevailing pattern of development within the remainder of the settlement. I note comments that the essential linear form of the settlement has been lost. However, in my view the village, to a large extent, retains a well-defined linear layout either side of the main road.

7. It has been put to me that the proposed scheme would be viewed in relation to Hales Meadow and would not appear as an isolated parcel of land. However the proposal would be clearly distinct from Hales Meadow in its form. It would extend away at a right angle from the outer edge of the village, intruding into the countryside and eroding the rural character of the location. This would have an incongruous appearance, divorced from the main linear pattern of the settlement. The Hales Meadow estate does not set a precedent for allowing a further extension of development on this side of the village.
8. It is acknowledged that the appellant has provided historical evidence relating to the evolution of the village to support the case that the development of this site would be acceptable. Whilst I have had regard to this, the effect of the proposal still comes down to an assessment of its impact on the physical character and appearance of the area as it is now. Therefore, whether or not this was evidence that was available to the previous Inspector who dismissed an appeal for residential development on this site in October 2017 (APP/R3325/W/17/3173173), it does not cause me to reach any different conclusion.
9. Therefore the scheme would result in significant harm to the existing character and appearance of the area. The proposal would consequently be contrary to the local distinctiveness and landscape character protection aims of policy EQ2 of the South Somerset Local Plan and the Framework.

Other Matters

10. The main parties agree that the Council cannot demonstrate a 5 year supply of housing land; the provision of 10 dwellings as proposed would provide a contribution towards meeting a housing demand. I am also mindful that the appellant proposes that the scheme would be for custom and self-build housing, as envisaged by the policy requirements and expectations of the Framework and Planning Practice Guidance. It is the case as well that the proposal would bring economic and social benefits. However even with these issues in mind, I find that the harm resulting from the proposed scheme would significantly and demonstrably outweigh the benefits of providing the additional housing. Consequently, the Framework as a material consideration does not indicate a decision other than in accordance with the development plan.
11. I am also aware of the appellant's references to other appeal decisions. I agree that sometimes the need for housing, including self-build and custom houses, can in the overall balance mean that appeals are allowed. However, the outcome of the planning balance is affected by the circumstances of each case taking into account factors such as the degree of harm. Therefore, just

because balances in other decisions have been favourable to appellants does not mean that this should always be the case.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR