
Appeal Decision

Site visit made on 26 February 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/R3325/W/19/3238521

Land west of Middle Street, North Perrott, Crewkerne TA18 7SJ

- 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 Allan Edwards against the decision of South Somerset District Council.
 - The application Ref 18/01355/FUL, dated 24 April 2018, was refused by notice dated 26 June 2019.
 - The development proposed is the erection of 4 dwellings with associated landscaping, parking and access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application that was submitted to the Council described the proposal as being for five houses with associated landscaping, parking and access. During consideration of the application, a revised scheme for four dwellings was submitted to the Council. The appellant contends that the amended proposals were submitted for consultation purposes only, and that the description of the application was changed without his consent. However, the Council's decision was based on the amended scheme. I have therefore used the description of the development from the appeal form, which refers to the four-dwelling scheme.

Main Issues

3. The main issues are:
 - a) Whether the proposed development would preserve or enhance the character or appearance of the North Perrott Conservation Area;
 - b) Whether the development would preserve the settings of nearby listed buildings;
 - c) The effect of the development on mature trees on the site and any consequent impact on the character and appearance of the area; and,
 - d) The impact of the development on protected species.

Reasons

Conservation Area

4. The appeal site comprises an orchard near the centre of the village. It lies adjacent to a sharp bend in the A3066, which runs around its southern and eastern boundaries. As the A3066 turns north, it becomes Middle Street, the main road through the village. Opposite the site, Middle Street is lined largely by historic two-storey stone buildings. Similar buildings front Middle Street and Downclose Lane to the north and south of the site respectively. The site is higher than Middle Street, and separated from it, by an overgrown wall and boundary hedging. The land is within the same ownership as The Old Rectory, a grade II listed building, and is divided from the rest of its extensive grounds by mature trees along the northern and western boundaries of the site. The site lies within the North Perrott Conservation Area (the CA).
5. The significance of the CA lies in the high proportion of historic stone buildings that lie close to the roads, together with stone boundary walls, giving the area a distinct uniformity of building form and materials. Of equal importance, however, are the open spaces, that punctuate the groups of buildings, and give the village a loose knit character. The prevalence of plants, hedges and mature trees in these spaces, and in gardens, provides a balance to the robustness of the stone buildings, resulting in the village having a strong connection with its rural setting.
6. The appeal site is one of these open spaces. It lies opposite the continuous development on the east side of Middle Street, so has an important influence in maintaining the loose knit character of the village. It also provides a visual connection between the built environment and the countryside to the west. Furthermore, the hedgerow boundaries and mature trees on the site provide a green setting for the surrounding buildings. The site therefore makes a positive contribution to the significance of the CA.
7. The four houses would face Middle Street and would occupy most of the width of the site. Consequently, they would, effectively, bridge the gap between the houses to the north and south. As a result, there would be continuous development on both sides of Middle Street, and the visual connection between this part of the village and the surrounding countryside would be severed. Moreover, the consolidation of the frontage development, and the resultant density of buildings in this part of the CA, would be harmful to its loose-knit character.
8. This harm would be evident in views from both ends of Middle Street. Looking north, from Downclose Lane, the appeal site provides a rural setting for the houses on the east side of Middle Street, maintaining a balance between buildings and greenery that typifies the CA. The proposed houses opposite would upset this balance. From this point the extensive vehicle manoeuvring and parking areas to the rear of the houses would also be evident. Combined with the dividing boundary fences and other domestic paraphernalia, the development would be a significant intrusion into this rural setting, which would be harmful to the character and appearance of the CA.
9. Looking south, from the war memorial, the trees and hedges on the appeal site are seen at the end of the converging rows of buildings on either side of Middle Street. Consequently, from here, the site is an important element in

maintaining a connection with the rural surroundings of the CA. The trees and hedges also make a significant contribution to the balance of buildings and foliage from this viewpoint. The proposed houses would occupy this focal point, which would erode the connection between the CA and its rural setting. It would also consolidate built development at the expense of the characteristic balance of buildings and vegetation, thereby resulting in harm to the CA.

10. I am mindful that the design of the houses draws on the guidance in the North Perrott Village Design Statement. Considered in isolation, the architectural details and materials would be appropriate within the CA. However, development of the site would result in the loss of an important open space that contributes positively to the rural setting of the village, and to the balance between buildings and green space within the CA. The proposal would therefore be harmful to its character and appearance.
11. The harm that would arise would be localised, so the impact on the CA as a whole is less than substantial within the meaning of Paragraph 193 of the National Planning Policy Framework (the Framework). Paragraph 196 of the Framework advises that less than substantial harm should be considered in a balanced manner against the public benefits associated with the development. In this regard, the proposal would contribute to meeting the Council's housing requirement. It is also suggested that the sale of the houses would be restricted to local people for the first 6 months, to provide an opportunity for residents in need of housing to remain in the village. It would also provide other benefits that arise from new housing generally, including construction jobs, and additional residents to help support local services. These benefits are limited, due to the scale of the development, and the fact that there is no mechanism in place to ensure the restricted sale of the houses to local people, so I give them modest weight.
12. The proposal also includes car parking spaces that would be made available for community use. It is suggested that this would relieve pressure for on-street parking from residents of Middle Street, who currently park on the road. However, I saw no evidence during my site visit that on-street parking is a significant problem, therefore I give this benefit little weight.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraphs 193 and 194 of the Framework advise that any harm to the CA requires clear and convincing justification and great weight should be given to the conservation of designated heritage assets. The public benefits of the appeal scheme are limited and, consequently, would not outweigh the harm that I have identified to the character and appearance of the CA. I therefore conclude that the proposal would be contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan 2006 – 2028 (adopted 2015) (the Local Plan). These policies seek to preserve or enhance the character and appearance of the district and safeguard the significance, character, setting and local distinctiveness of heritage assets.

Listed buildings

14. The appeal site lies near several Grade II listed buildings. The Old Rectory lies approximately 55 metres to the north west; The Old Forge and 14 Middle Street lie to the east on the opposite side of Middle Street; and 51 Downclose Lane, The Old Bakery and Bakery Cottage lie on the opposite side of the A3066

to the south. The site forms part of the rural setting within which all these buildings are experienced. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving these listed buildings or their settings, or any features of special architectural or historic interest which they possess.

15. The site lies within the same ownership as The Old Rectory and, although it is somewhat divided from the more formal gardens around the dwelling, it has a historic relationship with the listed building, which can be seen from the appeal site. The Old Rectory can also be seen across the appeal site from the junction of Middle Street with Downclose Lane. From here, the appeal site forms part of the rural setting within which the listed building is experienced. The proposed development would intrude into this setting and obscure the view of the building from this part of the village, thereby resulting in harm to the significance of the heritage asset.
16. 14 Middle Street and The Old Forge are two-storey historic stone-built houses that face the appeal site from the opposite side of the road. No 14 is set back from the road behind a stone boundary wall and planted front garden, but The Old Forge is very close to the highway, and therefore has a particularly close visual relationship with the appeal site. The appeal site provides an open rural setting, which is significant to the way these listed buildings are experienced in views from the north and south. The proposed houses would intrude into this open aspect. Being in such close proximity, and of a similar scale, the new houses would crowd the listed buildings and challenge their primacy in the street scene. As the houses would span most of the width of the site, they would sever the visual link between the listed buildings and the countryside to the west. Consequently, the proposal would harm the rural setting of these listed buildings.
17. The appeal site is also important to the way that 51 Downclose Lane, Old Bakery and Bakery Cottage are experienced. These historic stone buildings lie on the opposite side of the A3066, but the gable end of No 51 is very close to the south eastern corner of the appeal site. The appeal site provides an open rural setting for the buildings when viewed from Middle Street to the north, allowing the buildings to be viewed in a degree of isolation. Viewed from Downclose Lane, to the south, the buildings are seen against the backdrop of the appeal site. The proposal would significantly erode this rural setting from both viewpoints, thereby harming the distinctive and attractive rural setting of these listed buildings.
18. The harm that would arise to the settings of all these listed buildings is less than substantial within the meaning of Paragraph 193 of the Framework. Therefore, in accordance with Paragraph 196, the harm should be balanced against public benefits associated with the development. I have already concluded that these benefits are limited and do not outweigh the harm to the CA. Consequently, I also conclude that they do not outweigh the harm that I have identified to the settings of the listed buildings. The proposal would therefore also be contrary to Policies EQ2 and EQ3 of the Local Plan in this regard.

Trees

19. The appeal site contains a range of trees, including a group of apple trees in the centre of the site; a line of ash trees along the western boundary; an

- individual ash tree in the north west corner of the site; and a cedar in the north east corner, close to Middle Street. The application was accompanied by a Tree Survey & Arboricultural Impact Assessment (TSAIA), which assessed the original proposal for five dwellings. Under this scheme it was proposed to fell the cedar and the individual ash tree. The amended scheme for four dwellings proposes the retention of the cedar, by moving the proposed access road further south. The TSAIA has not been amended to reflect the revised proposal.
20. The development would require the removal of the apple trees. As these are relatively small, their loss would not have a significant impact on the character and appearance of the area. The ash trees on the western boundary are a positive feature in the CA, contributing to the characteristic balance of planting and buildings. The proposal would involve the felling of one suppressed specimen, and the crown lifting of two of the larger trees. Whilst this would involve the removal of some large branches, it is the higher parts of the trees that contribute most to the amenity of the area. The access drive would also involve a small incursion into the root protection area (RPA) of one of the trees. However, it is likely that this could be achieved through "no-dig", or other bespoke construction methods, to avoid significant harm. The development would not therefore harm the amenity value of this group of trees.
21. The individual ash on the northern boundary is a substantial tree, which is highly visible in views across the appeal site from the south, and above the roofs of houses from the north. It makes a considerable contribution to the amenity of the area. The TSAIA places it in Category B as a tree in the middle of its lifespan, with a future contribution of over 40 years. The tree was identified for felling under the original scheme for five dwellings, as it was directly affected by the proposed community car parking. This parking area is further south in the scheme that I am considering, so the tree would not be directly affected. However, it is likely that there would be a significant incursion into its RPA. The TSAIA has not been amended to identify whether this tree could be retained, and, if so, what measures would be necessary to ensure its continued health. In the absence of such expert evidence, I am not satisfied that the tree could be retained. Its loss would be harmful to the character and appearance of the area.
22. The cedar tree is a prominent and notable feature of the site. Its height and location make it a focal point in views from the south along Downclose Lane/Middle Street. It is also a dominant landscape feature from the war memorial to the north, where views of it are framed by the converging buildings on either side of Middle Street. Although it has been stated in representations that it is not a native tree, this does not diminish the positive and distinctive contribution it makes to the character and appearance of the village.
23. The appellant contends that the relocation of the access allows for the retention of the cedar. However, the TSAIA has not been amended to demonstrate that this would be feasible. The tree is growing on land that is about a metre higher than the adjacent road. Provision of the new access and visibility splay would involve significant excavations close to the trunk, and within a large proportion of the RPA. In the absence of a detailed expert report, demonstrating that this work could be achieved without harm to its health and long-term future, I conclude that the proposal would be unlikely to be compatible with the

retention of the tree. The loss of the tree would result in significant harm to the character and appearance of the area.

24. It has been suggested in representations that the loss of the trees could be offset by the planting of more trees as part of a landscaping scheme. However, the ash and the cedar are large trees, so any replacement planting would take many years to provide the same level of amenity. I therefore conclude that the development would result in the loss of mature trees on the site, which would have a harmful impact on the character and appearance of the area. The proposal would therefore be contrary to Policies EQ2 and EQ5 of the Local Plan, which seek to preserve or enhance the character and appearance of the district and protect existing green infrastructure. The loss of the trees also adds significant weight to my finding of harm to the character and appearance of the CA under the first main issue.

Wildlife

25. Paragraph 99 of Government Circular 06/2005: *Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system*, says it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. The appeal site includes hedgerows and trees that could provide habitat for protected species. In particular, the Council's ecologist highlights the potential for the site to accommodate slow worms and dormice.
26. The application was accompanied by a Bat Roost and Field Survey Report, which concluded that no bats or other protected species were present on the site. The results of a subsequent reptile survey were also submitted, demonstrating that no slow worms were present. The original Report contains little detail of the methodology employed, and the results are in a tick box format. There is no reasoned explanation of why, for example, it was concluded that there was no habitat suitable for dormice. In any event, the survey was carried out on 24 August 2017, and paragraph 1.5 advises that the report is valid for two years from date of survey. Therefore, although the slow worm survey is still valid, I am not able to safely discount the presence of other protected species on the site.
27. In the absence of an up to date ecological survey I am unable to conclude that there would be no harm to protected species. The proposal would therefore be contrary to Policy EQ4 of the Local Plan, which seeks to ensure that, where there is a reasonable likelihood of the presence of protected and priority species, development design should be informed by a survey and impact assessment.

Other Matters

28. Representations in support of the scheme highlight that the proposal would not result in highway danger, as there would be good visibility from the new access. I saw that traffic speeds are low passing the site, and drivers would have good visibility of any vehicles emerging from the new access. Similarly, drivers leaving the site would be able to see approaching vehicles. The proposal would not, therefore, result in any harm to highway safety. However, a lack of harm in this regard is not a positive factor in favour of the development.

Planning Balance

29. The Council cannot demonstrate that it has a five year supply of deliverable housing sites. Under these circumstances, Paragraph 11 of the Framework says that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. I have found harm to heritage assets that is not outweighed by the public benefits of the development, so the presumption in favour of sustainable development does not apply to this appeal. Application of policies in Section 16 of the Framework, which seek to conserve and enhance the historic environment, provide a clear reason for refusing the development.

Conclusion

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

Nick Davies

INSPECTOR