



## Appeal Decision

Site visit made on 28 November 2014

**by A Harwood CMS MSC MRTPI**

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

**Decision date: 19 December 2014**

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**Appeal Ref: APP/R3325/A/14/2225359**

**Land at to 1 and 2 Lower Orchard, Barrington, Ilminster, Somerset, TA19 0QZ**

- 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 Masterson and Turner against the decision of South Somerset District Council.
  - The application Ref 14/02823/FUL, dated 8 June 2014, was refused by notice dated 11 August 2014.
  - The development proposed is the construction of four houses and garages, Land at 1 and 2 Lower Orchard, Barrington with accesses from Bakers Lane and Lower Orchard
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The National Planning Policy Framework, (NPPF) seeks to significantly boost housing supply. The starting point for determination of any appeal remains the development plan, but paragraphs 214 and 215 indicate the importance of consistency with the NPPF.
  3. The development plan in this case is the South Somerset Local Plan (LP) adopted in April 2006. The appellant has pointed out that as recently as May 2014 the Council referred to the LP being out of date and that they could not demonstrate a 5 year supply of deliverable housing sites. This reference is from a report that I have been supplied with which related to an outline proposal in Tintinhull. The Council's officer report for the current proposal states that the required 5 year supply and a 20% buffer above that can be demonstrated. It is not explained how the Council's stated position on this issue has turned around so quickly. I have to consider this matter on the face of the evidence provided to me in this appeal. Without convincing evidence to back up the most recent statement from the Council it is not demonstrated that the LP policies for housing supply can be considered consistent with the NPPF. The Council does confirm that LP policy ST3 defining settlement boundaries is not consistent with the NPPF as it is overly restrictive.
  4. I do not have sufficient information to satisfy myself that the Council has a
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supply of housing sites that are available now, in suitable locations, viable and which can realistically be considered achievable within five years. Housing policies are not consistent with the NPPF.

5. In these circumstances the NPPF explains that 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 NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
6. I have been made aware that a planning obligation (S106) applies to the site and was entered into when the implemented planning permission for Lower Orchard was approved in 1997. I am told that the S106 restricts the construction of buildings on the appeal site. Had I been allowing this appeal, it would seem that it could prevent the implementation of the development. A further process would be required to consider whether the deed still served a useful planning purpose in light of my conclusions. It has little bearing on my decision here.

### **Main Issues**

7. The main issue is the suitability of the site for the four dwellings proposed having regard to housing need in the context of the presumption in favour of sustainable development and the planning balance between benefits and any harmful factors. When assessing that balance it is necessary to take account of economic, social and environmental factors including the effects upon housing supply as well as the character and appearance of the area.

### **Reasons**

#### *Social factors including housing need*

8. The development of four dwellings will have a positive impact upon the supply of housing which in itself is beneficial for the social wellbeing of the local and wider area. Although there is no intention to restrict occupancy for any particular affordable local need, the NPPF aims to boost the supply of all housing. The site lies beyond the settlement boundary as defined within the LP but the weight I attach to that policy is diminished given its inconsistency with the NPPF. The location would not be isolated from the settlement and its facilities.
9. I am informed that one of the appellants has a medical condition requiring certain facilities and this is an opportunity to fulfil that need. These are personal circumstances which I do not give any substantial weight. However this does illustrate that modern accommodation can provide advantages particularly in areas where much of the housing stock may not be easily adaptable. This is a further advantage to the development and the appellant refers to this being the reason for the size of the proposed dwellings.
10. In 2013 the Council considered the site as suitable for development with respects to the Strategic Housing Land Availability Assessment (SHLAA). The purpose of the SHLAA is in order to assess broad locations within the housing market area and forms part of the evidence base for the emerging LP. Current planning guidance confirms that this should be an audit of available land. Whilst this helps to show that the development of this site is deliverable which

is important where there is a shortfall of housing land, it is not a planning policy document.

11. In terms of the eventual planning balance however, there is a moderate degree of weight in favour of the proposal in social terms.

#### *Economic Factors*

12. There would be some economic benefits from the proposal during the construction process in terms of employment and the purchasing of materials, albeit in the short term. Some of that may trickle down to the local area. The additional residents would also be likely to use the facilities within the village which would help to sustain them. A limited amount of positive weight can therefore be given to this factor.

#### *Environmental factors including impact upon character and appearance*

13. The site is accessible and the development could be constructed to energy efficient standards. It is located close to the centre of the village accessible to the facilities. In these respects the proposal would have a limited impact.
14. The appeal site is part of a former farm although is now land used by the occupants of Nos 1 and 2 Lower Orchard as gardens. The part of the site within the garden of No 2 currently has some structures on it and there are fewer domestic structures on the garden for No 1. Both gardens provide a pleasant rural space adjoining more open fields. A public footpath runs along the rear boundary at a lower level than the gardens. Beyond that the countryside is picturesque and largely unspoilt. The development of this site would not involve the loss of agricultural land but it does serve a purpose in providing a buffer between the concentrated development within the village and the pleasant rural landscape. The existing structures including the enclosures are low and do not have a significant impact upon the surrounding area.
15. The proposed dwellings would have a more complex design than the simple forms of the traditional buildings in the core of the village. The roof forms would be fussier than many other buildings although traditional materials are proposed. The amount of development on the site is more of a concern. Garden sizes may be sufficient in terms of the functional requirements for prospective occupants and may not be smaller than some dwellings in this village, including some of the recent developments. Notwithstanding this, the layout in this position would provide a very harsh edge to the village. Plots 1, 2 and 3 in particular would be close to the public footpath with short gardens. The new buildings would loom over members of the public walking along the footpath. The appellant refers to the proposed density being less than other recent developments and that may well be the case. Having said that, the appeal site itself is part of two plots that are at a much lower density and which consequently provide the buffer between the countryside and the higher density developments between here and the core of the village.
16. Historic development within the village has grown up along the roads in a linear manner. Some more recent developments including Lower Orchard itself as well as those drawn to my attention by the appellant have a more compact, self-contained form. These do not provide any overriding character and are limited in their impact. The current proposal would go even further against the prevailing traditional, linear character by the provision of two short cul-de-sacs

which would have a modern sub-urban appearance. Furthermore this sub-urban form would protrude into the rural area as the site is not bordered by any development on two sides. Although difficult to see from the centre of the village, this would be very obvious from adjoining dwellings, from Lower Orchard, from the footpath to the rear of the site, from Bakers Lane and the track at its northern end.

17. Although the dwellings could be constructed to high standards and the site is easily accessible to the core of the village, I consider that the proposals would have harmful effects upon the character and appearance of the surrounding area, in a sensitive location where the village adjoins the countryside. Even though this would not affect the immediate setting of the central Conservation Area, this would impact upon the rural setting of the village. This would cause substantial harm with respects to the environmental role of sustainability.

*Other Matters*

18. The additional traffic onto Bakers Lane could be accommodated without harm to highway safety. I have no reason to doubt that surface water could be adequately dealt with.

*The planning balance*

19. There would be modest weight in favour of this proposal in terms of the benefit in housing supply as well as the added social and economic advantages. However I have identified substantial harm with respect to the character and appearance of the area. The lack of compliance with LP policies including ST3 for the provision of housing is not itself decisive. However the requirements within LP policy ST5 to respect the form, character and setting of the locality as well as LP policy ST6 which includes the need to not cause unavoidable harm to the broader landscape, are consistent with the NPPF. The NPPF continues to protect the countryside, recognising its intrinsic character and beauty. The adverse impacts of the development including this lack of compliance with LP policies ST5 and ST6 significantly and demonstrably outweighs the benefits when assessed against the policies in the NPPF.

**Overall Conclusion**

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*A Harwood*

INSPECTOR