
Appeal Decision

Site visit made on 1 June 2015

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 8 June 2015

Appeal Ref: APP/R3325/W/14/3002063

Land between the Old Vicarage and 15 Yeovil Road, Tintinhull BA22 8QL

- 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 Bunny Construction Ltd against the decision of South Somerset District Council.
 - The application Ref.14/00458/OUT, dated 3 February 2014, was refused by notice dated 1 August 2014.
 - The development proposed is a residential development.
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Preliminary Matter

1. The originating application was made in outline with all matters reserved but it is clear from the illustrative material submitted with the application¹ that the intention is to provide 11 dwellings, using the depth of the appeal site.

Decision

2. The appeal is dismissed.

Main Issues

3. These are the effect of the proposal on (1) the setting and thereby the significance of the listed buildings affected; and (2) the character and appearance of the area. There are other matters to consider too, notably the accessibility of the site, drainage, and any benefits that might come forward as a result of the proposal.

Reasons

Listed Buildings

4. There are two listed buildings whose settings would be affected by the proposal. The Old Vicarage, to the west of the site, is a Grade II listed building and its boundary walls and gates are separately listed at Grade II.
5. The starting point for consideration of this issue is the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990². Section 66(1) of the Act requires the decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

¹ Drawing 4270/13 Revision A: Concept Plan

² Referred to hereafter as the Act

6. Paragraph 132 of the Framework³ says 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. It goes on to note that significance can be harmed or lost by development within the setting of a designated heritage asset.
7. The Old Vicarage is architecturally sophisticated, built in Ham stone ashlar with a tiled roof, and clearly stands out as one of the principal buildings in the village. The nature of its boundary wall, and the co-ordinated use of Ham stone for its construction, adds to that sense. The open, green-field nature of the appeal site, and the gap it provides between the Old Vicarage and No.15 Yeovil Road, gives a sense of space that allows them to be readily appreciated as an important property, on the edge of the settlement. In that way, the appeal site is a positive contributor to the setting of both listed buildings.
8. Notwithstanding that the illustrative layout shows something of a gap between the proposed dwellings, and the listed buildings, the construction of dwellings on the appeal site would take away much of the existing sense of space. The Old Vicarage and its boundary wall would be subsumed into the settlement and it would become more difficult to discern their status as a principal building.
9. I also have a concern about the footpath proposed that would link the appeal site, across the frontage of the Old Vicarage, with the village. The existing boundary wall has a grass verge that separates it from the road. The natural quality of the grass verge offers a pleasing contrast to the Ham stone and thereby contributes positively to the setting of the wall. There are no elevations or sections provided to show how the footpath, proposed to replace the grass verge, would relate to the boundary wall. At the very least, the replacement of the natural grass verge with a hard surface would lead to the loss of the pleasing contrast referred to above. This would harm the setting of the boundary wall.
10. This harm to the settings of the listed buildings would diminish their significance as designated heritage assets. In the parlance of the Framework, that harm would be less than substantial given that the buildings themselves, where much of their significance lies, would remain intact. Nevertheless, harm that is judged to be less than substantial must still carry considerable weight on the negative side of the balance by dint of the operation of Section 66(1) of the Act. Moreover, the proposal would be contrary to LP⁴ Policy EQ3 that seeks to conserve and, where appropriate, enhance heritage assets.
11. Paragraph 134 of the Framework says that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. I return to this matter below.

Character and Appearance

12. Obviously, the failure of the proposal to preserve the settings of the listed buildings affected would also impact negatively on the character and appearance of the area. However, more than that, the dispersed nature of the pattern of development to the east of the Old Vicarage is reflective of the transition of the settlement into its rural surroundings. The development proposed would lead to the loss of much of that quality. Moreover, Tintinhull is,

³ The National Planning Policy Framework

⁴ The South Somerset Local Plan (2006-2028) adopted March 2015

to a large extent, a linear settlement. That form is most apparent on Yeovil Road. A cul-de-sac, which seems to me the inevitable result of development in depth on the site, would appear damagingly incongruous in that context. All that renders the proposal contrary to LP Policy EQ2 which requires development to attain a high quality that promotes local distinctiveness.

Other Matters

13. I have already referred to the footpath proposed, linking the site to the village, in the context of its effect on the setting of the boundary wall to the Old Vicarage. In accessibility terms, it would be necessary to allow pedestrians to walk from the appeal site into the village. The width of the footpath would not be fully compliant with advice in Manual for Streets and I acknowledge that Yeovil Road carries a relatively significant amount of traffic. However, given the controlled nature of that traffic, because of the traffic islands, and the limited amount of pedestrian traffic the footpath would be likely to carry, I do not see that restricted width as any great impediment, in pedestrian safety terms.
14. A Unilateral Undertaking has been entered into which makes provision for an off-site highways improvements contribution to the Highway Authority intended to cover the footpath works. A condition could be applied to ensure that none of the dwellings were occupied before it had been completed.
15. Drainage has been an issue too, centring in the main around a dispute over the ownership of the ditch to the east of the Old Vicarage. It is not my place to reach a conclusion on that. Suffice to say, I see no good reason why a condition, in Grampian form, requiring a surface water drainage scheme to be submitted to and approved by the local planning authority, and implemented in accordance with that approval, could not secure a satisfactory outcome, in drainage terms, if the scheme were to proceed.
16. An Agreement under Section 106 deals with affordable housing in a policy compliant manner. It also includes a series of financial contributions. Those that could be deemed to comply with the tests of paragraph 205 of the Framework, and CIL Regulation 122, would offer mitigation for the impacts of the proposal. They are not benefits, therefore.

Final Conclusion

17. Paragraph 47 of the Framework talks of the need to boost significantly the supply of housing. There is no suggestion that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Nevertheless, given what paragraph 47 says, the provision of housing, and affordable housing, must be seen as benefits. Nevertheless, the proposal would cause harm to the setting of listed buildings, and the character and appearance of the area, contrary to LP Policies EQ3 and EQ2, and the presumption in Section 66(1) of the Act. The benefits that would flow from the proposal are nowhere near sufficient to outweigh the harm that would be caused.
18. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR