
Appeal Decision

Site visit made on 5 May 2015

by Veronica Bond LLB (Hons), Solicitor

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

Decision date: 4 June 2015

Appeal Ref: APP/R3325/W/15/3002724

Land to the rear of Prospect Place, Keinton Mandeville, Somerset, TA11 6ED

- 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 Mr & Mrs G Cox against the decision of South Somerset District Council.
 - The application Ref 14/02666/OUT, dated 28 May 2014, was refused by notice dated 2 September 2014.
 - The development proposed is described as 'residential development for up to 25 houses, open space, allotments and footpath improvements. (Outline)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development above from the application form but it was altered in the decision notice to read 'outline application for residential development' – and the appellant appears to have accepted this revised description. The application was made in outline with all matters reserved and for the avoidance of doubt, I have considered the proposal on the same basis as the Council determined the application.
3. During the course of the appeal, the Council adopted the South Somerset Local Plan (2006-2028) (Adopted March 2015) (LP) meaning that the Council is no longer relying upon the policies referred to in its decision notice. The parties were given an opportunity to comment and for the avoidance of doubt, I have determined the appeal based upon the development plan as it exists at the time of my decision.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Background

5. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing and paragraph 49 of the Framework indicates that housing applications should be considered in the context of the

presumption in favour of sustainable development and that policies for the supply of housing will not be considered up-to-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites. This in turn triggers paragraph 14 of the Framework which explains that where this is the case, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies, taken as a whole.

6. The Council has dealt with the proposal on the basis that it currently cannot demonstrate a deliverable five year housing land supply and I have taken the same approach.

Character and appearance

7. The appeal site is a relatively open area of land positioned behind the existing dwellings on High Street. The development form of the village broadly follows a linear pattern, with the two main branches of development along the B3153 road and Queen Street forming a 'T' shape. Although some breaches in the development pattern are evident, properties in the area are generally single depth plots fronting the road with fields and open countryside behind. The effect is of a distinctive and strong rural village character.
8. The proposal would entail the residential development of the site, the effect of which would be that additional housing would be positioned behind the existing dwellings on High Street, eroding both the linear nature of the existing built form and the established 'T' shaped development pattern. This would, I consider, represent a significantly harmful effect on the character and appearance of the area and would be clearly visible from a number of public view points, in particular from High Street. The extent of existing surrounding residential curtilages does not alter my view as clearly the proposed development would not front the road, the effect of which would be to adversely alter the established settlement form.
9. I have taken account of the fact that the residential development on Row Lane, along with the dwellings on High Street, would mean that the proposed housing would be enclosed on two sides by existing development, with the dwelling to the western boundary and which is set back from the street offering partial enclosure on this side also. Nonetheless, whilst I note that the proposed development would not therefore materially project beyond the surrounding built form, for the reasons outlined above, I consider that it would harmfully alter the existing built form of the village.
10. I accept also that the proposed development would be afforded some screening by the buildings to the west, and that landscaping could be provided to buffer the development against the adjoining countryside. However, these aspects do not overcome my concerns above, given that the visual harm would remain clearly apparent in public views from High Street.
11. I have taken into consideration comments made relating to an appeal in respect of Land at Barton Road¹ where, although dismissing the appeal, the Inspector found the proposed development to be acceptable as to its effect on the character and appearance of the area. I understand that a subsequent application on the site has now been approved at Committee. However, whilst I do not have full details of the planning circumstances leading to that

¹ APP/R3325/A/14/2215379

development, it would appear that it can be distinguished from the proposal before me on the basis that the proposed plot would have fronted the road, thus continuing the linear pattern of the village.

12. The appellant seeks to distinguish the current proposal from a scheme dismissed on appeal in respect of Land to the East of Manor Park² on the basis that the Manor Park development would have been surrounded by agricultural land on three sides. I recognise that the Inspector in that appeal was concerned by the projecting nature of the development and outlined breaches in the development pattern on the western side of the village, being the side on which the present appeal site is located.
13. Again, I do not have full details of the particular planning circumstances of the proposed Manor Park development so as to form a detailed comparison with the present proposal. However, it is apparent that the Inspector in the Manor Road appeal was concerned also as to the effect on the linear development pattern, and that the Inspector considered the established form of the village to be a distinctive 'T' shape, notwithstanding the breaches in this pattern on the western side of the village. I have shared similar concerns in this case.
14. Other examples of nearby development are cited by the appellant at Coombe Hill and Lakeview Quarry. I note the weight given to the benefit of more housing in accordance with the support within the Keinton Mandeville Local Community Plan, and that the appellant considers the Lakeview Quarry development to have a greater effect on the character of the area. However, each case is different and should be considered on its merits and again, whilst I note that similar landscape objections were raised on a number of the proposals cited, I do not have full information as to the particular planning circumstances leading to these developments so as to be able to compare them in detail with the appeal proposal.
15. I note that matters relating to site layout are more appropriately considered at the reserved matters stage. I have considered the appellant's comment that it was not appropriate for the Council to distinguish sites cited by the appellant in support of its case on the basis of their size given that the final density of the appeal proposal is for consideration at the reserved matters stage. However, the Council has identified other reasons for distinguishing these from the appeal site by reference to the sites addressing the highway or the status of the land in question.
16. For the reasons outlined above, I conclude on the main issue that the proposal would have a significantly harmful effect on the character and appearance of the area. It would thus fail to accord with Policy EQ2 of the LP which seeks, amongst other things, to ensure that development is designed to achieve a high quality which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. It would also conflict with relevant policies of the Framework seeking to ensure that development reinforces local distinctiveness.

Other Matters

17. I have noted the potential benefits cited including related to the New Homes Bonus, and have taken into consideration that the proposal would provide

² APP/R3325/A/14/2217950

additional rural housing, some potentially as affordable housing, within a relatively sustainable location with easy access to local services and public transport connections. These represent social and economic benefits of the scheme proposed, and are apparently in line with local support for new residential development, particularly for young people and families and with the Framework's aims for social and economic benefits as integral to sustainable development.

18. The harm to the character and appearance of the area found would though represent a failure to meet with the environmental limb of the Framework's definition of sustainable development. I note also that Policy SS2 of the LP offers some support for development in rural settlements which have a basic level of services, which the Inspector in the Manor Park appeal identified as including Keinton Mandeville, and that the Council also accepts the principle of development in this location.
19. The Council has raised in its Statement a concern that no mechanism has been provided to secure infrastructure contributions requested and objects to the proposal on this basis also. Although the appellant has indicated a willingness to provide a planning obligation, I have not though pursued this matter as I am dismissing the appeal for other reasons and do not consider that the benefit arising from the provision of affordable housing would compensate for the harm found.
20. I have taken account also of the concerns of other parties including in relation to protected species and highway safety and regarding inaccuracies in the application documents, but these have not altered my overall conclusion, given my assessment on the main issue above. Comments in relation to the ownership of the appeal site are not supported by any substantive evidence.

Conclusion

21. The proposal would provide some social and economic benefits as outlined above which offer support for the appeal proposal. However, I consider that those benefits, even taken collectively, are significantly and demonstrably outweighed by the harm that would result to the character and appearance of the area. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should fail.

Veronica Bond
INSPECTOR