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# Appeal Decision

Site visit made on 7 December 2015

**by H Butcher BSc (Hons) MSc MRTPI**

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

Decision date: 19 January 2016

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**Appeal Ref: APP/R3325/W/15/3132164**

**Eden Nursery, Charlton Musgrove to Leigh Common, Charlton Musgrove, Wincanton, Somerset BA9 8EZ**

- 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 Miss Kerry Skinner against the decision of South Somerset District Council.
  - The application Ref 15/02847/OUT, dated 18 June 2015, was refused by notice dated 31 July 2015.
  - The development proposed is the erection of one dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The proposal is for outline planning permission. The application form indicates that approval is also sought at this stage for the access with all other matters reserved. I have therefore considered the appeal on this basis.

## Main Issues

3. The main issues are:
  - (i) Whether the proposed development would provide a suitable location for a house, having regard to the principles of sustainable development;
  - (ii) The effect of the development on the character and appearance of the surrounding countryside, and;
  - (iii) The personal needs of the appellant.

## Reasons

### *Sustainability*

4. The appeal site is located within the parish of Charlton Musgrove which is a large rural parish. The area surrounding the appeal site is predominantly open countryside, although adjoining the site to the south-east is a bungalow. The wider site which forms Eden Nursery, of which the appeal site is part, includes two buildings that have been converted into dwellings and recently granted planning permission for this use (refs 15/01010/FUL and 15/01008/FUL).
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5. Policy SS2 of the South Somerset Local Plan (2006-2028) (LP) recognises the need to provide new housing in rural areas in order to enhance or maintain their sustainability. Such development is, however, to be strictly controlled and limited to that which meets an identified housing need. It also sets out that proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services. The overriding aim of this policy, as set out in the supporting text, is to allow future occupiers of new homes in Rural Settlements to live as sustainably as possible by having easy access to basic facilities that provide for their day to day needs.
6. I have not been made aware that the proposal would meet an identified housing need. It is located well away from any recognised settlements. The site is some 2.6 miles (approximately a 7 minute drive) from Wincanton where retail, health and social facilities are available. Nevertheless, Wincanton is not within easy walking distance and I am not aware of any public transport links between here and the appeal site. I note the appellant's comment that the site is within walking distance from the Hunting Lodge public house. However this is not a facility which could reasonably be expected to provide for a person's day to day needs.
7. The site has direct access to the B3081 which in turn provides access to the A303 trunk road. The location of the appeal site is such that future occupants of the proposed dwelling would have to rely heavily on the use of a car to access local services and employment given the limited choice of alternative modes of transport that would be open to them.
8. With the above points in mind a new dwelling in this location would be contrary to policy SS2 which promotes sustainable development. This is in line with the National Planning Policy Framework (the Framework) of which one of the core planning principles is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The proposal would clearly conflict with these aims.

*Character and appearance*

9. The appeal site includes a low barn as well as a mix of trees, shrubs and grass. The appellant states that the appeal site forms part of the curtilage of one of the houses on site. I have no other evidence before me in this respect. Whilst I did observe a climbing frame at the time of my site visit, in all other respects the site had a predominantly undisturbed and natural appearance, in keeping with the rural and largely undeveloped character of the surrounding area.
10. Whilst noting the appellant's comment that the proposal would result in the removal of some existing outbuildings, any form of dwelling on the site would undoubtedly increase the amount of built form in this location. It would also result in the loss of some of the existing mature trees and landscaping which extend across much of the site. In addition to this the proposal would result in the general domestication of the site, evidenced by such things as parked cars and garden equipment, which would reasonably be expected around a house in this location. Taking the above points together the proposal would harm the rural and predominantly undeveloped character of the area.
11. For the above reasons the development would be harmful to the character and appearance of the surrounding countryside. It would therefore conflict with policy EQ2 of the LP which, amongst other things, seeks to conserve and

enhance the landscape character of the area. Similarly the Framework requires the conservation and enhancement of the natural environment.

*Personal circumstances*

12. The appellant has provided evidence in relation to her personal circumstances which are put forward as justification for the development. I understand that the appellant and her former partner have had the land valued for the purposes of the court and are trying to reflect the valuation produced as well as to make better sense of the planning situation at Eden Nurseries. However, the evidence supplied on this subject seems to relate more to the recent planning approvals for use of the two buildings on site as dwellings (refs 15/01010/OUT and 15/01008/FUL).
13. Nevertheless, given the very rural location of the appeal site away from any recognised settlement, in my opinion, the proposal would constitute a new isolated home in the countryside. The Framework makes it clear that this should be avoided unless there are special circumstances. It outlines such circumstances where this might be the case, but none of these relate specifically to personal circumstances.
14. Notwithstanding the above, as set out in Planning Practice Guidance, in general the courts have taken the view that planning is concerned with land use in the public interest, so the protection of purely private interests such as the impact of development on land value cannot be a material consideration. On the evidence before me I do not consider the personal circumstances of the appellant to be so exceptional so as to outweigh the conflict between the proposed development with local and national planning policy, and the harm to the character and appearance of the surrounding countryside.

*Other matters*

15. The appeal site has a complex planning history. I have considered the appellant's comments that previous planning permissions allowed a substantial amount of built form on the appeal site but note the Council's comments that these works included the conversion of a building no longer in existence. I also note the appellant's statement that a residential caravan has been in continuous use on the site in excess of 14 years but at the time of my site visit the caravan had been removed. I have been provided with very limited evidence in relation to all of these matters which accordingly limits the weight which I can attach to them. In any event, I must determine the appeal on the planning merits of the case regardless of any previous history.
16. There is no dispute that given the size of the site it would be possible to provide a dwelling with sufficient garden space, and which did not result in harm to the living conditions of neighbouring properties. Nevertheless, these considerations do not override the harm outlined above. Similarly the limited contribution this development would make towards addressing demand for housing in the district would not outweigh the harm I have identified.

**Conclusion**

17. The proposal would conflict with the objectives of both the development plan and the Framework in promoting sustainable development, and would also cause harm to the character and appearance of the surrounding countryside. The appellant's personal circumstances do not outweigh this harm. Therefore,

for these reasons, and having regard to all matters raised, the appeal is dismissed.

*H Butcher*

INSPECTOR