



## Appeal Decision

Site visit made on 5 May 2009

by **David Brooks** DipTP MRTPI

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

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Decision date:  
18 May 2009

**Appeal Ref: APP/R3325/A/09/2095154**

**Land to the rear of 1 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 Ray Masterson against the decision of South Somerset District Council.
- The application Ref 08/02367, dated 22 May 2009, was refused by notice dated 1 August 2008.
- The development proposed is the erection of a live/work chalet bungalow incorporating solar thermal panels and biomass boiler and the erection of a double garage and associated access.

### Decision

1. I dismiss the appeal.

### Procedural Matter

2. Adjoining the appeal site is the location of a recent planning application for the erection of a live/work chalet bungalow for which planning permission has also been refused. An appeal has been lodged against that decision which is also before me for determination (ref APP/R3325/A/09/2095146) and is the subject of a separate decision.

### Main issues

3. The main issues are the effect of the proposed development on the form, setting and character of Barrington and whether the proposed development would result in an unacceptable increase in the number and length of travel movements especially by car.

### Reasons

#### *Setting, Form and Character*

4. The appeal site forms part of the garden of 1 Lower Orchard adjoining agricultural land on the northern side of Barrington. Planning permissions were granted between 1988 and 1997 for the residential development that is now known as Lower Orchard. The latter permission was subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) which sought to restrict the erection of any buildings on the appeal site and adjoining land. The Agreement was put in place as at the time the land lay outside the defined Development Area Boundary for Barrington (DAB) as identified in the Council's Development Plan. Planning permission was however

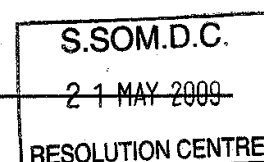
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granted in 2003 for the use of the land as residential curtilage and the site remains outside the DAB.

5. Policy ST3 of the South Somerset Local Plan 2006 (LP) states that housing development will not normally be permitted outside the DAB of settlements in the District and should only take place in locations that benefit economic activity or enhances the environment and does not foster growth in the need to travel. Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 (SP) follow similar themes. These policies reflect the advice in Planning Policy Statement 3: *Housing* (PPS3) and Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7).
6. The appeal site lies outside the DAB and whereas Policy ST3 does recognise that sensitive infilling or minor extensions to small groups of houses may be acceptable, depending on the character of the area, I consider that the location of the site would not meet these criteria. Equally I consider that the design proposed for the chalet bungalow would not be of such an exceptional quality or innovative design that an exception would be justified in terms of the advice in PPS7.
7. Barrington is a linear settlement with a relatively small number of dwellings built behind those on the main street frontage. A feature of the pattern and character of the village are the numerous gardens and small paddocks that sit between the main developed area and the agricultural landscape beyond as a transition between the settlement and the countryside. The land to the north of Lower Orchard has fulfilled this role in its previous existence as part of a farmyard and continues to do so as an open area of garden beyond the existing dwellings and the DAB.
8. I consider that a dwelling built on the appeal site would be prominent in the landscape, particularly during the winter, when viewed from Bakers Lane, Gibbs Lane and the public footpath adjoining the northern boundary of the site. It would have the effect of extending the confines of the settlement into the countryside. I consider this would be harmful to the appearance of the locality and the setting, form and character of the settlement contrary to Policy ST3 which seeks to restrict development outside the DAB of settlements.
9. In addition, although I recognise that for the purposes of PPS 3: *Housing*, the site is previously developed land comprising part of the garden of 2 Lower Orchard, both PPS3 and PPS7 advise that not all such land will necessarily be suitable for housing. The intention of national planning policy is to direct development to suitable and sustainable locations related to defined settlement patterns. I consider that the principle of re-using previously developed land is, in this instance, outweighed by the harm that would result to the character and appearance of the locality by the site being outside the DAB and in a generally unsustainable location.
10. I am aware that there are dwellings built beyond the DAB, including the two bungalows on Bakers Lane built in the 1980s and others pre-dating its introduction, but do not consider that this justifies the further extension of the settlement into the countryside beyond the DAB. I also consider that there is no basis for the justification of an exception in relation to economic benefit or outstanding design.



11. The evidence before me in relation to any economic benefit that would result from the erection of the dwelling is limited. The appellant contends that the provision of a 'home office' would enable compliance with the Code for Sustainable Homes (CSH). In the absence of any information about what business or other activity would take place, I consider this does not amount to any significant economic benefit capable of fulfilling the requirements of Policy ST3. Equally, in architectural terms, the building would be undistinguished and although its construction to CSH Level 4 would be laudable, I do not consider this approach to the construction of the dwelling would overcome concern about its siting outside the DAB or that it would be of such exceptional quality or innovative design that an exception would be justified in terms of the advice in PPS7.
12. I therefore conclude that the development would be contrary to both national planning policy as identified in PPS3 and PPS7 and local planning policies identified in policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 and Policy ST3 of the South Somerset Local Plan 2006 all of which seek to ensure development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

#### *Travel Movements*

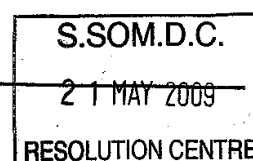
13. I consider that the site is remote from key services and facilities, notwithstanding the appellant's statements on this matter. During my site visit I observed the very limited facilities available within Barrington and access to other services, including employment and education, would undoubtedly require car journeys. The evidence of public transport I have been provided with confirms that this is very limited.
14. Consequently, I conclude that the development would have the effect of fostering growth in the need to travel and do not therefore consider that this is a sustainable location for this form of development. As such the proposal would not accord with Planning Policy Note 13: *Transport*, which aims to reduce the need to travel, particularly by car. I also consider that it conflicts with policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 and Policy ST3 of the South Somerset Local Plan 2006 which seek to restrict development to that which does not foster growth in the need to travel.

#### *Conclusion*

15. I conclude that the proposal would result in harm to the setting, form and character of the settlement of Barrington, and would be in conflict with the development plan as regards sustainable patterns of development. No evidence has been put forward to support the proposal, including information about the appellant's wife's medical condition, which would outweigh these concerns.
16. For the reasons given above, and having regard to all other matters raised, including the previous appeals at the site in 1998 and 2000 and the Local Plan Inquiry in 2003, I conclude the appeal should be dismissed.

*David Brooks*

INSPECTOR





## Appeal Decision

Site visit made on 5 May 2009

by **David Brooks** DipTP MRTPI

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

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Decision date:  
19 May 2009

### Appeal Ref: APP/R3325/A/09/2095146

#### Land north of 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 Anthony R Turner against the decision of South Somerset District Council.
- The application Ref 08/02368, dated 22 May 2009, was refused by notice dated 1 August 2008.
- The development proposed is the erection of a live/work chalet bungalow with solar panels and ground source heat pump and the erection of a double garage and associated parking.

#### Decision

1. I dismiss the appeal.

#### Procedural Matter

2. Adjoining the appeal site is the location of a recent planning application for the erection of a live/work chalet bungalow for which planning permission has also been refused. An appeal has been lodged against that decision which is also before me for determination (ref APP/R3325/A/09/2095154) and is the subject of a separate decision.

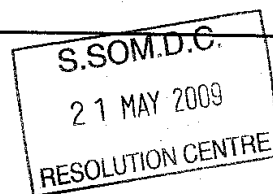
#### Main issues

3. The main issues are the effect of the proposed development on the form, setting and character of Barrington and whether the proposed development would result in an unacceptable increase in the number and length of travel movements especially by car.

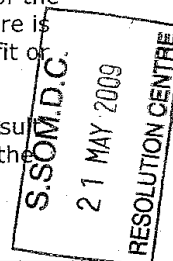
#### Reasons

##### *Setting, Form and Character*

4. The appeal site forms part of the garden of 2 Lower Orchard adjoining agricultural land on the northern side of Barrington. Planning permissions were granted between 1988 and 1997 for the residential development that is now known as Lower Orchard. The latter permission was subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) which sought to restrict the erection of any buildings on the appeal site and adjoining land. The Agreement was put in place as at the time the land lay outside the defined Development Area Boundary for Barrington (DAB) as identified in the Council's Development Plan. Planning permission was however granted in 2003 for the use of the land as residential curtilage and the site remains outside the DAB.



5. Policy ST3 of the South Somerset Local Plan 2006 (LP) states that housing development will not normally be permitted outside the DAB of settlements in the District and should only take place in locations that benefit economic activity or enhances the environment and does not foster growth in the need to travel. Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 (SP) follow similar themes. These policies reflect the advice in Planning Policy Statement 3: *Housing* (PPS3) and Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7).
6. The appeal site lies outside the DAB and whereas Policy ST3 does recognise that sensitive infilling or minor extensions to small groups of houses may be acceptable, depending on the character of the area, I consider that the location of the site would not meet these criteria. Equally I consider that the design proposed for the chalet bungalow would not be of such an exceptional quality or innovative design that an exception would be justified in terms of the advice in PPS7.
7. Barrington is a linear settlement with a relatively small number of dwellings built behind those on the main street frontage. A feature of the pattern and character of the village are the numerous gardens and small paddocks that sit between the main developed area and the agricultural landscape beyond as a transition between the settlement and the countryside. The land to the north of Lower Orchard has fulfilled this role in its previous existence as part of a farmyard and continues to do so as an open area of garden beyond the existing dwellings and the DAB.
8. I consider that a dwelling built on the appeal site would be prominent in the landscape, particularly during the winter, when viewed from Bakers Lane, Gibbs Lane and the public footpath adjoining the northern boundary of the site. It would have the effect of extending the confines of the settlement into the countryside. I consider this would be harmful to the appearance of the locality and the setting, form and character of the settlement contrary to Policy ST3 which seeks to restrict development outside the DAB of settlements.
9. In addition, although I recognise that for the purposes of PPS 3: *Housing*, the site is previously developed land comprising part of the garden of 2 Lower Orchard, both PPS3 and PPS7 advise that not all such land will necessarily be suitable for housing. The intention of national planning policy is to direct development to suitable and sustainable locations related to defined settlement patterns. I consider that the principle of re-using previously developed land is, in this instance, outweighed by the harm that would result to the character and appearance of the locality by the site being outside the DAB and in a generally unsustainable location.
10. I am aware that there are dwellings built beyond the DAB, including the two bungalows on Bakers Lane built in the 1980s and others pre-dating its introduction, but do not consider that this justifies the further extension of the settlement into the countryside beyond the DAB. I also consider that there is no basis for the justification of an exception in relation to economic benefit or outstanding design.
11. The evidence before me in relation to any economic benefit that would result from the erection of the dwelling is limited. The appellant contends that the provision of a 'home office' would enable compliance with the Code for



Sustainable Homes (CSH). In the absence of any information about what business or other activity would take place, I consider this does not amount to any significant economic benefit capable of fulfilling the requirements of Policy ST3. Equally, in architectural terms, the building would be undistinguished and although its construction to CSH Level 4 would be laudable, I do not consider this approach to the construction of the dwelling would overcome concern about its siting outside the DAB or that it would be of such exceptional quality or innovative design that an exception would be justified in terms of the advice in PPS7.

12. I therefore conclude that the development would be contrary to both national planning policy as identified in PPS3 and PPS7 and local planning policies identified in policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 and Policy ST3 of the South Somerset Local Plan 2006 all of which seek to ensure development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

#### *Travel Movements*

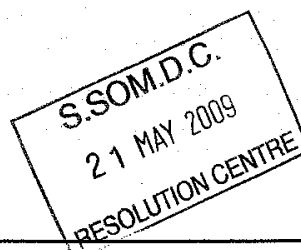
13. I consider that the site is remote from key services and facilities, notwithstanding the appellant's statements on this matter. During my site visit I observed the very limited facilities available within Barrington and access to other services, including employment and education, would undoubtedly require car journeys. The evidence of public transport I have been provided with confirms that this is very limited.
14. Consequently, I conclude that the development would have the effect of fostering growth in the need to travel and do not therefore consider that this is a sustainable location for this form of development. As such the proposal would not accord with Planning Policy Note 13: *Transport*, which aims to reduce the need to travel, particularly by car. I also consider that it conflicts with policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000 and Policy ST3 of the South Somerset Local Plan 2006 which seek to restrict development to that which does not foster growth in the need to travel.

#### *Conclusion*

15. I conclude that the proposal would result in harm to the setting, form and character of the settlement of Barrington, and would be in conflict with the development plan as regards sustainable patterns of development. No evidence has been put forward to support the proposal which would outweigh these concerns.
16. For the reasons given above, and having regard to all other matters raised, including the previous appeals at the site in 1998 and 2000 and the Local Plan Inquiry in 2003, I conclude the appeal should be dismissed.

*David Brooks*

INSPECTOR





## Appeal Decision

Site visit made on 24 April 2009

by **Andy Harwood** CMS MSc MRTPI

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

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**Decision date:**  
19 May 2009

**Appeal Ref: APP/R3325/A/09/2096435**

**6 & 6A Little Sammons, Chilfrome Dormer, Somerset, BA22 8RB.**

- 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 & Mrs Shutler against the decision of South Somerset District Council.
- The application Ref 08/04363/FUL, dated 6 October 2008, was refused by notice dated 24 November 2008.
- The developments proposed are front porches.

### Decision

1. I dismiss the appeal.

### Main Issue

2. The appeal proposes the construction of two porches, one on each of Nos 6 and 6A Little Sammons. The main issue is the effect of the porches on the character and appearance of the two dwellings as well as the surrounding area.

### Reasons

3. The appeal properties are positioned towards Main Street in a prominent situation approximately 1m higher than the road, near the junction within Little Sammons. There are similarities between the design of 6 and 6A and the two pairs of semi-detached properties further to the south. No 6a is described as an annex by the council and I could see that it is an addition to the semi-detached pair which also includes Nos 6 and 5.
4. The two porches would be lean-to structures of similar size constructed of brick dwarf walls with white UPVC frames to match the existing dwellings. The roofs would be polycarbonate. The dwellings are in a transitional area between the tight knit estate of the main part of Little Sammons and the more spacious, individual layouts as well as the school buildings on the eastern side of Main Street. The semi-detached dwellings nearby have been subject to some minor alterations such as the provision of bay-windows. However, the simple architectural style of these is still apparent and provides some uniformity to this prominent group of dwellings.
5. I can understand the practical improvement that the proposals would make for the residents but the structures would be large additions to these dwellings in a very prominent position. In my opinion, the porches would detract from the current simplicity of the elevations of the buildings when viewed from Main

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Street. They would not reflect any characteristics of these buildings or any others in the area that I could see or that have been drawn to my attention. The substantial features would look cumbersome, out of kilter with the present simplicity of the buildings.

6. In relation to the main issue, the proposed porches would have a harmful effect upon the character and appearance of the two dwellings and therefore, the surrounding area. They would not respect the form and character of these buildings, or the locality and therefore would not comply with policies ST5 or ST6 of the adopted 2006 South Somerset Local Plan.
7. It would be possible to provide some landscaping to the front of the site. However, this would not improve the design of the porches which would still be seen from neighbouring properties. I am not satisfied that the degree of landscaping necessary to screen the porches from Main Street could be retained in the long term and would not overcome the harm to the character and appearance of the area that I have identified above. Furthermore, an attempt to hide them could look contrived and obvious.
8. For the above reasons and taking account of all other matters, I consider that the appeal should be dismissed.

*Andy Harwood*  
INSPECTOR

