



Appeal Decision

Site visit made on 1 July 2010

by **Christopher Gethin MA MTCP MRTPI**

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

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Decision date:
13 July 2010

Appeal Ref: APP/R3325/A/10/2124603

Land adjoining 'The Orchards', Stembridge, Martock, Somerset TA12 6BP

- 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 brought by Mr & Mrs J McGrouther and Mrs J Hall against the decision of South Somerset District Council.
- The application ref. 09/03070/OUT dated 24 July 2009 was refused by notice dated 14 September 2009.
- The development proposed is three dwellings.

Decision

- 1 I dismiss the appeal.

Main Issues

- 2 The principal issues are the acceptability of the proposed development by reference to policies of the Development Plan which restrict development in the open countryside, and its effect on the character and appearance of the area.

Reasons

- 3 The appeal site comprises a rectangular parcel of orchard, about 0.12ha in extent, with frontage to the road leading out of Stembridge towards West Lambrook. It adjoins 'The Orchards' and comprises an infill plot in a line of ribbon development along this side of the road. Opposite the site is Kingsbury Episcopi primary school, lying at the end of a ribbon of dwellings extending out from the centre of the village.
- 4 The site is part of a cider apple orchard lying to the rear of the roadside properties. I saw at my site visit that the appeal site reads visually as a small domestic orchard within the ribbon of residential development. While I acknowledge the Council's description of Stembridge as one of intermittent roadside development interspersed with small paddocks and orchards, I do not consider this to be applicable to the appeal site, which lies outside the historic core of the village and forms a small break in an otherwise continuous ribbon of housing.
- 5 The proposal, which was made in outline with all matters reserved, is for three dwellings. The indicative layout shows a terrace of three two-storey houses set back from the road frontage, with pedestrian access through the existing roadside hedgerow and orchard trees. Vehicular access would be via the

existing driveway serving 'The Orchards', with garaging for six cars located behind the rear gardens for the dwellings. The rear boundary of the development would be in line with the rear boundary of the curtilages of the adjoining properties.

- 6 Informal discussions suggest to the appellants that three-bedroom 'second step' houses are needed more in the locality than starter homes. However, the site lies outside a development envelope and is therefore subject to restrictive policies controlling unjustified development in the countryside.
- 7 I consider that the proposed development would, in principle, help to meet an important need to retain young people in the community, in accordance with Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7), policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan, and policy ST3 of the 2000 South Somerset Local Plan. By virtue of its location opposite a primary school and within a village (albeit not one with a development envelope), I consider that it would accord with the principles of sustainable development.
- 8 The illustrative plan submitted with the application shows that the existing appearance of the site would be preserved to a considerable extent by the retention of the existing roadside hedgerow and a belt of orchard trees about 15m deep. While a limited number of orchard trees would be lost, I consider that the proposal would respect the characteristic pattern of development in the vicinity. The built forms would be in keeping with the residential development which extends to either side. In these ways the proposed development would be acceptable by reference to policies ST5 and ST6 of the Local Plan. The loss of orchard trees, while regrettable, is outweighed in this case by the benefits which would result from the provision of three small family houses.
- 9 I saw at my site visit that sightlines from the existing access are good in both directions: the site lies within a 30mph zone and opposite a primary school, where drivers may be expected to exercise increased vigilance. Bearing in mind the need for maximum pedestrian safety in this location, I consider that in its present form the access might well be capable of serving three additional dwellings without compromising highway safety and without requiring the removal of any part of the roadside hedgerow.
- 10 The need for inexpensive family housing is endorsed by the Parish Council. I consider that the appeal site would be appropriate for such housing if an exception could be justified by demonstrating local need. As the Parish Council points out, it might be difficult to resist subsequent proposals for larger houses on the site if outline planning permission were to be granted for the subject proposal. In my opinion, it would not be possible to attach conditions to a grant of outline permission which would reliably prevent such an outcome. Neither is it possible reliably to prevent by condition the re-sale of dwellings as second homes or for occupation by people outside the locality, both of which would be contrary to the appellants' intentions.
- 11 The Development Plan recognises these difficulties in requiring proposals for affordable housing to be justified by evidence of need, and to be submitted and developed by appropriate bodies such as Housing Associations or properly

constituted organisations established for the purpose of securing and implementing local needs housing. As it stands, the subject proposal fails to justify an exception to the policies restricting development in this countryside location, and is therefore contrary to the relevant policies of the Development Plan.

Conclusion

12 For the reasons given above and having regard to all other matters raised, I conclude, on balance, that the appeal should not succeed.

Christopher Gethin

INSPECTOR



Appeal Decisions

Site visit made on 30 June 2010

by **Neil Pope BA (Hons) MRTPI**

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

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Decision date: 20 July 2010

Appeal A Ref: APP/R3325/E/10/2116325

Budds Farm, Main Street, Barrington, Somerset, TA19 0JB.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Peter Card against the decision of South Somerset District Council.
- The application Ref. 09/02725/LBC, dated 7 July 2009, was refused by notice dated 2 September 2009.
- The works proposed are described as *to dismantle part of the distressed wall at the south boundary of the property for building access and rebuild using the original stone and correct mortar.*

Appeal B Ref: APP/R3325/A/10/2116321

Budds Farm, Main Street, Barrington, Somerset, TA19 0JB.

- 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 Peter Card against the decision of South Somerset District Council.
- The application Ref. 09/02722/FUL, dated 7 July 2009, was refused by notice dated 2 September 2009.
- The development proposed is described as *a three bedroom, one and a half storey cottage in the redundant land adjacent to Budds Farm in the style reminiscent of a 19th century natural stone built barn.*

Decisions

1. I dismiss both appeals.

Main issues

2. The main issues are: whether the proposals would preserve the grade II listed building known as Budds Farm (listed as Budd's Farmhouse) or its setting or any features of special architectural or historic interest which it possesses [both appeals]; whether the proposals would preserve or enhance the character or appearance of the Barrington Conservation Area (CA) [appeal B only] and; the implications for highway safety, having particular regard to the increased use of the junction of Gibbs Lane and Main Street [appeal B only].

Reasons

Listed Building [both appeals]

3. Budds Farm is a 17th century farmhouse with coursed rubble walls and a thatched roof. Its special qualities include a walled garden to the west, which has a tall roadside stone wall with 'cock and hen' style coping stones. Although this boundary wall is in need of repair/maintenance, it is of considerable age,

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defines a former kitchen garden/animal pen that served Budds Farm, provides a sense of enclosure and adds to the vernacular qualities of the farmhouse.

4. National¹ and local planning policies² provide a presumption in favour of retaining listed buildings. Although the roadside wall would be rebuilt in due course, the proposed demolition would result in the loss of some historic fabric and erode its integrity. The works would also, albeit for a temporary period, entail a loss of enclosure around the appellant's house. This would harm the special qualities and setting of the listed building.
5. Loss affecting any designated heritage asset must have clear and convincing justification. I agree with the Council's Conservation Officer that most, if not all, construction traffic to the site could be through the existing vehicular access. If necessary, building materials could also be lifted over the wall. No clear and convincing justification exists for the demolition of this important wall.
6. On behalf of the appellant I have been informed that works to the wall could be limited to localised repair and localised raking out of existing defective mortar. It has been argued that this could be dealt with by way of a planning condition. However, amending the scheme in this way would significantly change the nature of the applications. This would be at odds with the provisions of PINS Advice Note 09/2009³.
7. I agree with the Council that the arguments weigh strongly in favour of retaining the roadside wall. The proposed demolition would harm the special qualities of Budds Farm and its setting and there are no compelling reasons to outweigh this harm. The proposed works are at odds with the provisions of policy HE10 of PPS5. Appeal A therefore fails.
8. The space enclosed by the walled garden is also part of the historical layout and development of Budds Farm and assists in setting this dwelling apart from neighbouring buildings. It maintains the spacious setting of the appellant's house and is important to the character of this listed building.
9. Although the proposed dwelling would be designed and finished to a high standard, it would occupy a considerable part of the space at the side of the appellant's house and would sever the historical and functional links with Budds Farm. The size, height, mass and appearance of the new building would also be very different to the ancillary sheds/structures that currently exist within the site. Even with the proposed alteration to the site levels, the development would sit uncomfortably within the vestiges of the walled garden.
10. The proposal would markedly erode the space around Budds Farm and be seriously detrimental to the setting of this nationally important building. This would conflict with the provisions of LP policy EH5. When this is weighed with the harmful works that I have identified above, there are very strong grounds for withholding planning permission as well as listed building consent.
11. I conclude on the first main issue that the proposals would harm Budds Farm and its setting.

¹ Policy HE9 of Planning Policy Statement 5 'Planning for the Historic Environment' (PPS5)

² Policy EH4 of the South Somerset Local Plan 2006 (LP)

³ Planning Inspectorate Good Practice Advice Note 09/2009 – Accepting amendments to schemes at appeal

Conservation Area [appeal B only]

12. The appeal site provides a pleasing sense of space within the street scene of Main Street and adds to the distinctive qualities of Budds Farm. I agree with the Council's Conservation Officer that the open qualities of the site are important to the character and appearance of the CA. The proposed loss of much of this space and the harmful impact upon the listed building that I have found above would erode the character and appearance of the CA.
13. Unlike Budds Farm and most other buildings along Main Street, the proposal would be positioned with its gable end facing the street rather than its main elevation. I note the limited number of examples of other gable end buildings facing this street that have been drawn to my attention. However, most of these are positioned very close to the roadside. The proposed dwelling would be set back from the roadside wall and would pay scant regard to the predominate pattern of development. I share the Council's concerns that the new building would appear to 'float' within the plot.
14. I conclude on the second main issue that the proposal would harm the character and appearance of the CA. In so doing, it would conflict with the provisions of LP policy EH1.

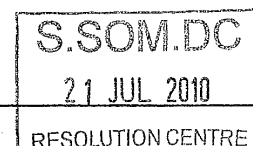
Highway Safety [appeal B only]

15. When occupied, the proposed dwelling would be accessed from Gibbs Lane. Visibility at the junction of this street and Main Street falls below nationally recognised standards⁴. I note the Council's and the Highway Authority's concerns over the increased use of this sub-standard junction.
16. Vehicular traffic from the proposal is however likely to be limited. As I noted during my visit, the volume of traffic and speeds are low along Main Street and past this junction. Whilst traffic volumes are likely to be higher during the peak morning and evening periods this junction is readily visible to approaching traffic. There are no details before me of any recorded road traffic accidents involving the use of this junction or elsewhere along Main Street. It is reasonable to presume therefore that this junction has a good safety record. I also note that this junction arrangement has not prevented other new housing from taking place elsewhere along Gibbs Lane.
17. The proposal would not pose a serious risk to highway safety interests. It would accord with the highway objectives of policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (2000).

Other Matters

18. On behalf of the appellant, my attention has been drawn to the provisions of Planning Policy Statement 3 'Housing' (PPS3) concerning the re-use of previously-developed land (PDL). However, in June 2010, the Government amended PPS3 to exclude private residential gardens in built-up areas from the definition of PDL. Whilst the site lies within the village, it is unclear to me if the main parties consider the site to be PDL within a built-up area. Even if the site falls within the amended definition of PDL, PPS3 also states that there is no

⁴ Manual for Streets (2007)



presumption that land that is previously-developed is necessarily suitable for housing development. For the reasons I have set out above, this site is not suitable for housing development.

Overall Conclusions

19. My findings in respect of highway safety do not overcome or outweigh the harm that I have identified to the listed building and the character and appearance of the CA. Having regard to all other matters raised, I conclude that neither appeal should succeed.

Neil Pope

Inspector



Appeal Decision

Site visit made on 1 July 2010

by **Christopher Gethin MA MTCP MRTPI**

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

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Decision date:
27 July 2010

Appeal Ref: APP/R3325/A/10/2126634

**Land adjoining 34 Barrymore Close, Huish Episcopi, Langport,
Somerset TA10 9TB**

- 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 brought by the Ruddle Group Ltd against the decision of South Somerset District Council.
- The application ref. 09/03603/FUL dated 4 September 2009 was refused by notice dated 30 October 2009.
- The development proposed is a dwelling.

Decision

- 1 I dismiss the appeal.

Main Issues

- 2 The principal issues are
 - a) the effect of the proposed development on the character and appearance of the area
 - b) its effect on the living conditions of the occupiers of 34 Barrymore Close
 - c) the living conditions of the prospective occupiers of the proposed dwelling.

Reasons

- 3 The appeal site comprises a small parcel of land in a residential estate. It has a frontage of about 6m onto a hammerhead turning area leading off the estate road. To east and west are two-storey terraced dwellings. The southern boundary is formed by a railway embankment. A public footpath takes off from the estate road and passes along the western boundary of the site, continuing along the railway embankment towards the A372. At the time of my site visit the site was down to grass, neatly mown. Along the southern boundary are some small trees.
- 4 The proposal is for a L-shaped two-storey house sited close to the eastern boundary, abutting a narrow path which provides rear access to nos 34 and 36. Two tandem parking spaces are shown alongside the public footpath.
- 5 I consider that the detached house would appear incongruous in the surrounding townscape of terraced and semi-detached dwellings. It would

appear excessively cramped on this small plot, with little amenity space, in a layout characterised by plots with reasonably sized front and rear gardens. It would result in the loss of a green area of open space which (with the backdrop of trees) provides a pleasing focal point when viewed along the estate road. I conclude that the proposed development would harm the character and appearance of the area, contrary to 'saved' policies ST5 and ST6 of the 2000 South Somerset Local Plan.

Living conditions

- 6 The proposed house would be sited about 1m from the side boundary of the rear garden of no.34. It would have an unacceptably overbearing and overshadowing effect on this amenity area, and would intrude into the outlook from the dwelling.
- 7 The private amenity space to the rear and side of the proposed dwelling would amount to about 30.6sq.m, not all of it usable. It would be substantially shaded by the trees growing on railway land on the other side of the fence on the southern boundary. I consider that the proposal would provide inadequate private amenity space for the proposed 2-bedroomed house.

Conclusion

- 8 The harm I have identified outweighs the benefits which would result from the provision of a small family dwelling in the locality. I have assessed the proposal on its own merits. For the reasons given above and having regard to all other matters raised, I conclude, on balance, that the appeal should not succeed.

Christopher Gethin

INSPECTOR



Appeal Decision

Site visit made on 1 July 2010

by **Christopher Gethin MA MTCP MRTPI**

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Decision date:
29 July 2010

Appeal Ref: APP/R3325/A/10/2124223

Land to the rear of 64 and 64a Garden City, Huish Episcopi, Langport, Somerset TA10 9SX

- 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 brought by the Ruddle Group Ltd against the decision of South Somerset District Council.
- The application ref. 09/02665/FUL dated 29 June 2009 was refused by notice dated 11 September 2009.
- The development proposed is a bungalow.

Decision

- 1 I dismiss the appeal.

Main Issues

- 2 The principal issues are
 - a) the effect of the proposed development on the character and appearance of the area
 - b) its effect on the living conditions of the occupiers of 64 and 64a Garden City
 - c) the living conditions of the prospective occupiers of the proposed dwelling.

Reasons

- 3 The appeal site lies to the rear of two dwellings in a residential estate. No.64 is a two-storey semi-detached house, no 64a being a two-storey detached house which has recently been constructed in its side garden. A double garage currently occupies the site. At the far end of the tapering site is a small electricity sub-station, with a right-of-way along a track which passes between the two houses.
- 4 The proposal is to demolish the existing garage and construct a bungalow with a parking space accessed off the track to the sub-station. (Parking spaces for nos 64 and 64a had been provided in their front gardens at the time of my site visit.)
- 5 There are no other backland dwellings in the locality. The proposed bungalow would have a very small area of private amenity space, and nos 64 and 64a would be left with even smaller areas. The proposed development would

appear cramped on this restricted site and would be incongruous with the pattern of residential development in the area. I consider that it would harm the character and appearance of the area, contrary to 'saved' policies ST5 and ST6 of the 2000 South Somerset Local Plan.

- 6 The recent revision to Annex A of Planning Policy Statement 3: *Housing* (PPS3) withdraws the presumption in favour of development on existing garden land, and overrides any policies in the Development Plan for the area which were based on this presumption.

Living conditions

- 7 The proposed bungalow would be sited about 2m from the rear boundary of no.64a, and about 4m from this dwelling, closer to it than the existing garage. I consider that the proposed development would result in a loss of outlook from this property.
- 8 The appeal site would be largely occupied by the proposed dwelling and the access and parking areas for both the dwelling and the sub-station. The only usable area of private amenity space would be an area of about 20sq.m between the building and the parking space. The rear gardens of nos 64 and 64a would be reduced to about 9sq.m and 14sq.m respectively. I consider that the proposal would provide inadequate private amenity space for the proposed 2-bedroomed bungalow as well as for nos 64 and 64a.
- 9 The appellant draws my attention to the neglected gardens of the rented dwellings on the estate, and argues that tenants require only minimal sitting-out space. I do not accept this argument, and consider that adequate private amenity space is important for the majority of family dwellings.
- 10 I conclude that the proposed development would harm the living conditions of the occupiers of nos 64 and 64a and would provide unsatisfactory living conditions for the prospective occupiers of the proposed bungalow. It would be unacceptable by reference to policy ST6 of the Local Plan.

Conclusion

- 11 The harm I have identified outweighs the benefits which would result from the provision of a small dwelling in the locality. I have assessed the proposal on its own merits. For the reasons given above and having regard to all other matters raised, I conclude, on balance, that the appeal should not succeed.

Christopher Gethin

INSPECTOR