



Appeal Decision

Site visit made on 2 April 2012

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 24 May 2012

Appeal Ref: APP/R3325/A/12/2169074
Land at Northfield, Somerton TA11 6SL

- 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 Ashley Beaton against the decision of South Somerset District Council.
 - The application Ref.11/04512/FUL, dated 2 November 2011, was refused by notice dated 29 December 2011.
 - The development proposed is the erection of a dwelling-house and the formation of a new access (resubmission of 11/0217/FUL).
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Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposal would provide adequate living conditions for prospective occupiers of the dwelling proposed and the effect of the proposal on (1) the living conditions of prospective occupiers of housing on the adjoining site; and (2) the character and appearance of the area.

Reasons

3. The appeal site is part of a larger site, allocated for housing in the South Somerset Local Plan (LP), adopted in 2006. According to the Council, the remainder of the allocated site has been granted conditional approval for housing, subject to the completion of an Agreement under s.106. Details of the layout proposed have been supplied by the parties. LP Policy ST6 sets out a range of criteria that development should meet. Criterion (6) requires that there should be no unacceptable harm caused to the living conditions of adjacent occupiers by disturbing, interfering with, or overlooking such properties. Criteria (1), (2), and (5) require the design of any proposal to respect its context and maintain local distinctiveness. Criterion (4) of Policy ST5 takes a similar tack. Overall, this policy approach reflects the general thrust of the National Planning Policy Framework.

Living Conditions

4. The concern that Council raised about the living conditions of prospective occupiers of the proposed dwelling revolves around the garden areas. Two are proposed, one to the north and one to the south of the site. Both areas would be directly overlooked at relatively close quarters by windows in the east-facing elevations of the residential units proposed on the adjoining site. To address this, it is proposed to plant trees in the southerly garden, nearest the dwelling.

5. However, even if that planting was augmented, as suggested, this would not provide a reasonable level of privacy for prospective occupiers of the proposed dwelling. The residential units on the adjoining site would simply be too close, and the degree of overlooking too great, for the garden to be useable in a way that an occupier might reasonably expect.
6. The dwelling proposed would be sited to the east of Plot 70 on the adjoining site. The separation distance would be of the order of 4 metres. The analysis undertaken on behalf of the appellant shows that, despite the dwelling proposed herein, Plot 70 would receive an adequate amount of sunlight and daylight. I see no reason to disagree, but that is not the end of the matter.
7. The living room of Plot 70 would have a window facing north and another facing east, towards the dwelling proposed. The bedroom above the living room would be served by a single window, facing east. While the north facing window would offer some relief from within the living room, the presence of a blank two-storey wall, about 4 metres away, would dominate the outlook from the east-facing windows and appear overbearing. This would have a significant deleterious impact on the living conditions of prospective occupiers of Plot 70.
8. Taking these points together, the proposal would conflict with the requirements of LP Policy ST6 and criterion (6) in particular.

Character and Appearance

9. The concern of the Council is the boundary treatment proposed on the western boundary of the site. I agree that a 1.5 metre high fence, as suggested in the application drawings, might look somewhat stark. However, it is clear that a condition could be applied to any grant of planning permission to require details of an alternative treatment to be submitted for approval. Proper co-ordination with the boundary treatment proposed on the adjoining site could be achieved in this way, and the character and appearance of the area thus protected, as required by LP Policies ST5 and ST6.

Other Matters

10. Concerns have been raised about highway safety. The width of Northfield and the presence of parked vehicles, mean that the easy passage of traffic can be difficult. However, notwithstanding any parked cars, the proposed access would provide a reasonable degree of visibility. I agree with the highway authority and the Council that it would not lead to any significant problems in terms of highway safety, as required by criterion (5) of LP Policy ST5.

Conclusion

11. The proposal could provide a dwelling on a site allocated for housing with no harmful impact on the character or appearance of the area or highway safety. However, it would fail to provide adequate living conditions for prospective occupiers of the proposed dwelling and it would have a significant detrimental effect on the living conditions of prospective occupiers of Plot 70 on the adjoining site. I place more weight on these latter aspects and conclude, therefore, that the appeal should be dismissed.

Paul Griffiths

INSPECTOR



Appeal Decision

Site visit made on 7 February 2012

by Raymond Michael MBA BSc DipTP MRTPI ARICS MIM

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

Decision date: 10 May 2012

Appeal Ref: APP/R3325/A/11/2165448

Part OS1821, Park Lane, Montacute, Somerset

- 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 Miss P Chorlton against the decision of South Somerset District Council.
 - The application Ref 11/02091/FUL, dated 18 May 2011, was refused by notice dated 21 July 2011.
 - The development proposed is the erection of a barn for recreational equestrian purposes.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a barn for recreational equestrian purposes at Part OS1821, Park Lane, Montacute, Somerset in accordance with the terms of the application, Ref 11/02091/FUL, dated 18 May 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 11023-1 A.
 - 3) No development shall take place until details showing the consolidation and surfacing of the access over the first 10m of its length, and the positioning and hanging of the entrance gate, have been submitted to and approved in writing by the local planning authority, and those works shall be carried out as approved. The surface shall be properly consolidated and surfaced in accordance with the approved details.
 - 4) No development shall take place until full details of the parking/turning area have been submitted to and approved in writing by the local planning authority, and those works shall be carried out as approved. The area shall be kept clear of obstruction, and shall not thereafter be used for any purpose other than the parking of vehicles.
 - 5) No development shall take place until details of provision for surface water drainage so as to prevent its discharge onto the highway have been submitted to and approved in writing by the local planning authority. The
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scheme shall be implemented and thereafter managed in accordance with the approved details.

Preliminary Matters

2. The site address given on the application form refers to the land being near the village of 'Montecute'. This is a mis-spelling, and I have corrected it to read 'Montacute' in the site address given above.
3. Subsequent to the appeal being lodged the Government issued the National Planning Policy Framework (the Framework), which superseded existing relevant national policy documents, and contains at its heart a presumption in favour of sustainable development. I have therefore taken account of relevant policies set out in the Framework rather than those which were referred to in the submissions, which are no longer current. In addition, none of the relevant Structure Plan and Local Plan policies referred to are at odds with the new Framework.

Main Issues

4. The main issues are first, the effect on highway safety of the proposed use of the access, and second, the impact of the building on the character and appearance of the surrounding countryside.

Reasons

5. The proposal would involve the erection of a traditional barn-type structure measuring about 18.3m long, 10m wide, and 4.5m high to be used for the stabling of 2 horses owned by the appellant and 2 rescue horses. It would incorporate 4 loose-boxes, together with storage space for a horse-box, food, bedding, and equipment. It would be enclosed on 3 sides, with the fourth side mainly open. The building would be for the personal use of the appellant only, and there would be no commercial equestrian activity. Any subsequent use for commercial equestrian purposes would require a separate planning approval.

Highway Safety

6. The building would be located within a pasture field served by an existing access in the north-western corner. The access is surfaced with loose chippings and rises up steeply from the junction of Park Lane, Hollow Lane, and Witcombe Lane (a 'green' lane). There is sufficient space in front of the field gate to allow a horse-box or other vehicle to stand off-road whilst the gate is being opened or closed. There is good visibility along Park Lane towards the nearby group of buildings at Batemore Barns and, similarly, visibility towards Hollow Lane is satisfactory. However, visibility to the right (when exiting the field) is limited due to the angle at which the access meets the road, and existing banks and vegetation which cause some obstruction.
7. The land was formerly used for the grazing of sheep, resulting in about 2 visits per day to check the flock. That gave rise to some 4 vehicle movements per day. The proposed use would involve the grazing of the appellant's horses, and would generate a similar level of daily vehicle movements. Because the land would be for the appellant's private use there would be only infrequent movements of horses onto and off the site. Consequently, there is likely to be no material increase in the use of the access. The Highways Authority (HA)

initially took the view that, if the barn is required in connection with the existing authorised use, does not involve a business or commercial use, and does not involve an increase in traffic over the current levels, it could be considered unreasonable to raise a highway objection to the proposal.

8. The HA subsequently submitted further observations in support of the refusal of permission based on concerns for safety, indicating that the position and surfacing of the access could lead to difficulty in access and egress to the site, and could prejudice highway safety. However, whilst there are deficiencies in visibility at the access, there is no evidence that the past use of the land for agricultural purposes has led to any reported accident, and there is no indication of any significant increase in the use of the access. The use of the land for grazing would remain established regardless of the outcome of this appeal, and would still involve the use of the access.
9. In the light of the assessment set out above, there is likely to be no material intensification of use of the access, and I therefore conclude that there would be no significant effect on highway safety from the proposed use of the access. The proposal would therefore meet the aims of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (1991-2011) [SP], which requires that development provide safe access to roads of adequate standard, and Policy ST5 of the South Somerset Local Plan (2006) [LP], which seeks the provision of a satisfactory means of access. I note that the Framework indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Character and Appearance

10. The countryside surrounding the appeal site is attractive rolling pasture-land with a few isolated buildings and groups of buildings set within an essentially open landscape. It rises up to the west towards Ham Hill plateau, from where an expansive view of the countryside can be gained. From the plateau, the site lies behind the hedgerow along Witcombe Lane.
11. The proposed building would be agricultural in appearance, faced with Yorkshire boarding above concrete blocks, and with a green fibre cement roof. It would be sited close to the hedgerow bounding Witcombe Lane, and would be partly screened by that feature, especially in the summer, when viewed from surrounding viewpoints such as Ham Hill Country Park. However the roof and upper parts of the building would be seen from the higher ground.
12. There is other development close to the appeal site at Batemore Barn, some 90m away, and there is a manege with a number of small buildings on the corner of Hollow Lane and Park Lane, opposite the site. Whilst not operationally connected to those developments, the proposed building would be seen in the same context when viewed from Ham Hill plateau, and consequently it would satisfy the requirements of Policy CR6 of the LP, which indicates that the erection of stables for horses kept for private use will be permitted provided they are closely related to existing groups of buildings.
13. I note that the need for the both grazing and stabling for the appellant's horses is supported by the letter of 22 December 2011 from the veterinary surgeon responsible for the care of the horses. I also note that the appeal site is close

to sites of archaeological and local wildlife importance, but there is nothing in the submissions to indicate that there would be any detrimental effect on those features. I note that paragraph 109 of the Framework indicates that the planning system should protect and enhance valued landscapes, but paragraph 115 gives the greatest weight to designated areas, which does not include the appeal site. I therefore give only limited weight to that consideration in this case.

14. I have taken into account the recent appeal decision on land nearby (APP/R3325/A/11/2157954) where the proposal was for equestrian use of the land together with the erection of a hay barn. However, in that case the use required a range of other paraphernalia including shelter sheds, stock fencing, jumps, etc, and involved activities such as on-site riding and jumping. That proposal also involved a proliferation of buildings within the field, including 4 field shelters. The proposal before me involves only grazing of the field by the horses and associated storage, and it therefore differs in character and impact from the above proposal. Any subsequent changes to the activities carried out would require a further planning approval.
15. Overall, whilst the proposed building would be visible from the top of Ham Hill plateau, that view also encompasses a number of other isolated buildings in the landscape and, in that context, the proposal would be not be out of keeping with the rural character of the area. The building would be low-lying and it would not be prominent in many views from lower level. Whilst I agree with the Council that the proliferation of buildings within the landscape would be undesirable, I conclude that because of its siting and design, and its relationship with the nearby buildings at Batemore Barn, the specific proposal before me would not harm the character and appearance of the surrounding countryside. It would therefore not be in conflict with the landscape and environmental aims of Policies STR1, STR6 and Policy 5 of the SP, and Policies ST3, ST5, ST6, and EC3 of the LP, which seek to control development outside existing settlements, promote local distinctiveness, and protect the character and quality of local landscape.

Other Matters

16. In reaching my conclusion I have considered other national planning guidance set out in the Framework. I note that Paragraph 28 in that document advises that planning policies should support economic growth in rural areas in order to create jobs. However, since there are relatively small economic benefits arising from the proposal I consider that policy has only limited relevance in the determination of this appeal.

Conditions

17. I have considered the need for conditions in the light of the guidance in Circular 11/95, and those suggested by the Council. I shall include the statutory condition on commencement. In addition, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning, and I shall include a condition to that effect. Also, for highway safety reasons, I shall require that details of the surfacing to the access, and the siting and hanging of the entrance gate to ensure sufficient

room for safe access to the field, be submitted to the local planning authority for approval. For similar reasons I shall impose conditions to ensure that details of the proposed parking and turning area are submitted and approved prior to development, and requiring details of surface water drainage to be submitted to the Council for approval.

Raymond Michael

INSPECTOR