



Appeal Decision

Site visit made on 22 July 2013

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

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

Decision date: 29 July 2013

Appeal Ref: APP/R3325/A/13/2196074

Land to the rear of nos. 12 and 13 Gastons Lane, Bower Hinton, Somerset, TA12 6LN

- 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 M W Slade and Son Ltd against the decision of South Somerset District Council.
 - The application ref. 12/04365/FUL, dated 5 November 2012, was refused by notice dated 1 February 2013.
 - The development proposed is: construction of 10 dwellings together with associated access, car parking and landscaping and partial demolition and alterations to no. 12 Gastons Lane to form a 1-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council accepts that it cannot demonstrate a five year housing land supply. In such cases, paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date. The appeal site lies substantially outside the development area defined in the South Somerset Local Plan (LP). LP policy ST3 aims to place strict controls on new development outside development areas. However, in the light of the District's housing land supply position the Council accepts that this policy is out-of-date with regards to the restraint of housing supply – a view that is consistent with that taken by an Inspector in an appeal in Wincanton in 2012¹.
3. As a result of these factors, and bearing in mind the Framework's presumption in favour of sustainable development, the main issue in this appeal is whether the potential contribution of the appeal scheme to the supply of housing is outweighed by any other considerations – specifically:
 - (a) the effect of the proposal on the area's character and appearance, taking into account its relationship to the Conservation Area and listed buildings in the site's vicinity; and
 - (b) whether, as a result of its relationship to services and facilities, the proposal would lead to an unacceptable increase in private vehicle use.

¹ Appeal reference: APP/R3325/A/12/2170082.

Reasons

Character and Appearance

4. The appeal site comprises an approximately L-shaped area of land to the south of, and rising up from, Gastons Lane. It was formerly occupied by a factory making jigsaw puzzles. This has been demolished: its removal was a requirement of a previous planning permission to erect two dwellings next to no. 12 Gastons Lane.
5. The appellant takes the view that the site comprises previously-developed land. However, while an outbuilding remains (the removal of which is also apparently required by the above-noted permission), the footprint of the main former factory building is not easily discernible. Other remaining structures within the site either have a domestic character (notably a double garage sited behind no. 11's back garden) or are small sheds. In the Council's view, the previous permission effectively created a new planning chapter in the site's history.
6. Much of the site is grassed and there is a small vegetable patch. Although building materials were being stored at the time of my visit, such storage does not appear to have the benefit of planning permission. Taking the above factors together, and given that the main former factory building has blended into the landscape, I consider that the site does not amount to previously-developed land in the terms of the Framework's Appendix 2.
7. To the north, the site is separated from Gastons Lane by residential properties. In effect, it represents a 'backland' site. No. 12 Gastons Lane (which is included within the site boundary) would be partly demolished to allow an existing access (running between nos. 12 and 13) to be widened. To the south and west of the site lie open fields, bounded by hedgerows. On its eastern side is a mix of garden, paddock and orchard land: the nearest dwellings on Back Lane, which are within the Conservation Area, lie on the opposite (eastern) side of this land. These properties, which include some listed buildings, are not easily seen from the appeal site, the eastern end of which is well-screened by mature trees and shrubs.
8. As such, the appeal site is largely adjoined by open or unbuilt land. Its existing structures and usage give it an informal and low density character. I agree with the Council's assessment that the site lies within an area of transition between the built form of the settlement and the open farmland beyond.
9. The dwellings now proposed would be broadly similar in character to those on Gastons Lane. However, their plot sizes would be generally smaller than those properties, while the proposed density of development within the site would depart markedly from the open and unbuilt character of the land immediately to the west, south and east. The overall effect would be of an L-shaped finger of built development projecting into substantially undeveloped surroundings. This would create an abrupt contrast that would conflict with the transitional nature of the site and its surroundings as described above. Although there would be some scope to add further planting, along the lines suggested by the appellant in a subsequently submitted landscape plan, this would not affect the layout or density of the scheme now proposed. The adverse effects described above would not be overcome.
10. For the reasons set out above, the appeal site is not easily seen in public views either into or out of the Conservation Area. I agree with the appellant that the

new dwellings would be sufficiently well-separated from the Conservation Area and the nearest listed buildings to avoid harming their respective settings. While the Council raises concerns about the scheme's impact when seen from the River Parrett Trail, this runs some distance to the north of the site: although the proposal would be visible in such views, the substantial degree of mutual separation would prevent it from appearing unduly prominent.

11. However, I do not share the appellant's assessments of the likely prominence of the appeal scheme in other key views. When seen from Gastons Lane and the footpath crossing the field immediately to the north of Gastons Lane, the upper parts of the new houses fronting the scheme's access drive would be seen behind and above the retained frontage dwellings. In such views, the scheme's visibility would be amplified by the intended removal of part of no. 12. The abrupt contrast described above would be apparent.
12. The impact of the appeal scheme would be even more striking when seen from the permissive footpath that links the footpath section of Gastons Lane with Cripple Hill to the south. Existing views towards the site from this direction are generally open: the denser development of the village core is not easily seen. The appeal scheme would extend into this open view, appearing as a new built edge to the settlement that would be at odds with the transitional nature of the site and its surroundings, as already discussed. Taking the above factors together, I consider that the proposal would unacceptably harm the area's character and appearance. In this regard it would conflict with LP policies EC3, ST5 and ST6.

Relationship to Services and Facilities

13. Although extending outside the defined development area boundary, the appeal proposal would adjoin the existing settlement. It would be within walking distance of a bus stop and other facilities within Bower Hinton: this is physically joined to Martock which has a greater range of local services.
14. In planning policy terms, Martock/Bower Hinton is not a settlement in which the LP seeks to restrict further development as a result of sustainability concerns. Residential planning permissions have been granted (or are minded to be granted) elsewhere in the settlement and there is an extant employment allocation on the south side of Bower Hinton. Further housing development in the settlement is anticipated in the Council's 2011-2012 Annual Monitoring Report. In commenting on the appeal application, the local highway authority considered the site's accessibility but raised no in-principle objections. Taking these factors together, it has not been demonstrated that the proposal's relationship to services and facilities would lead to an unacceptable increase in private vehicle use. In this regard, it would accord with LP policy ST5 and policies STR1 and STR6 of the Somerset and Exmoor Joint Structure Plan.

Overall Conclusion

15. For the reasons set out above, it has not been demonstrated that the proposal's relationship to services and facilities would lead to an unacceptable increase in private vehicle use. However, this factor is outweighed by the unacceptable harm that would result to the area's character and appearance. Bearing in mind that the National Planning Policy Framework attaches great importance to the design of the built environment and states that planning decisions should address, among other matters, the integration of new

development into the natural and built environment², this harm is serious enough to overcome the scheme's benefits in terms of housing delivery. Accordingly, I conclude that the potential contribution of the appeal scheme to the supply of housing is outweighed by the unacceptable harm that would be caused to the area's character and appearance. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

M J Hetherington

INSPECTOR

² National Planning Policy Framework paragraphs 56 and 61.