



Appeal Decision

Site visit made on 6 August 2012

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

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

Decision date: 10 September 2012

Appeal Ref: APP/R3325/A/12/2175132

Land off Broughtons Drive, Misterton, Crewkerne, Somerset, TA18 8LP.

- 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 and Mrs S Lyus against the decision of South Somerset District Council.
 - The application Ref. 11/04199/FUL, dated 13 October 2011, was refused by notice dated 21 December 2011.
 - The development proposed is the erection of a dwelling and associated garage, access and driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The two main issues are: the effect upon the character and appearance of the area and; whether any harm arising from the need to travel by car would be outweighed by the inclusion of 'green' technologies as part of the scheme.

Reasons

Character and Appearance

3. This 0.5ha site comprises a paddock alongside the appellants' house. It lies outside the development boundary for Misterton as defined in the adopted South Somerset Local Plan (LP). For planning policy purposes it is treated as forming part of the countryside surrounding the village. Within such areas, LP policy ST3 and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) provide strict control over new development, limiting it to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.
4. As I noted during my site visit, public views of the appeal site are limited. However, its largely unspoilt open qualities form part of the attractive rural surrounds to the village. The site also provides a pleasing break in development between the rows of houses along Broughtons Drive and the appellants' existing house which is located some distance to the south east.
5. The proposed dwelling would be designed to a high standard and landscape planting would be undertaken as part of the scheme. However, this sizeable new house and its access driveway, parking/turning area and ensuing domestic paraphernalia, would considerably erode the pleasing, unspoilt open qualities of the site and unacceptably erode the above noted break in development. The scheme would detract from the rural character and appearance of the area.

6. My attention has been drawn to other housing that has been permitted in and around the village. This includes residential development that was allowed on appeal at the Concrete Works in Mill Lane (Ref. APP/R3325/A/06/2031727). Whilst this site also lies outside the defined development boundary, as the address implies, it has a very different character and appearance to the site which I am considering. The circumstances of this previous appeal are materially different to the case before me and this previous decision does not set a precedent that I am bound to follow.
7. I also note the housing schemes permitted by the Council at the Coal Yard and 'the former Bradfords site'. Unlike the site before me, the Coal Yard is situated within the development boundary for the village and appears to comprise previously-developed land. The bulk of 'the former Bradfords site' also comprised previously-developed land within the development boundary and is a major development scheme. I also understand that the area of land that lies outside the development boundary is to comprise informal play space. Both of these schemes are materially different to the one before me.
8. I have determined this appeal on its own merits. Nevertheless, if permission was granted for housing on this site without adequate justification it could make it difficult for the Council to resist other housing schemes on neighbouring land. As this is an area which is clearly subject to pressure for housing development, an approval could undermine public confidence in the LP and result in cumulative harm to the character and appearance of the area.
9. I conclude on the first main issue that the proposal would harm the character and appearance of the area and conflict with the provisions of LP policies ST5 and ST6 and SP policy STR6.

Need to Travel/'Green' Technologies

10. Residents of the proposed dwelling would largely be dependent upon the use of a car for accessing main services and facilities, such as employment and shopping. The proposal would therefore increase the need to travel by private motor vehicle. Whilst on the face of it this would also appear to conflict with the relevant provisions of the above development plan policies, the site is literally a 'stones throw' from the development boundary. In transport terms, the village is deemed a sustainable location for new housing and yet residents of housing on such sites as the Coal Yard and 'the former Bradfords site' would be equally reliant upon the use of a car as occupiers of the proposed dwelling. It is very difficult therefore to identify/quantify harm arising from the need to travel in the appeal scheme compared to nearby permitted housing schemes.
11. Any harm arising from the need to travel should also be weighed alongside the 'green credentials' of the scheme. This includes the use of a ground source heat pump, a roof integrated solar thermal system and roof mounted photovoltaic panels. These 'green' technologies would all assist in reducing the carbon footprint of the proposed dwelling.
12. I conclude on the second main issue that any harm arising from the need to travel by car is likely to be outweighed by the inclusion of 'green' technologies as part of the scheme.

Other Matters

13. The appeal site was identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as having a potential capacity for 25 dwellings. However, this is a tool to assist local planning authorities make strategic decisions about their future housing land supply. The SHLAA states that "*Inclusion of a site within the SHLAA does not mean that planning permission will be granted for housing development as policy considerations have not been applied in the same way as they would be should an application be submitted.*" The identification of the site as part of the SHLAA does not convey any tacit approval for the appeal scheme.

Overall Conclusion

14. My findings in respect of the second main issue does not overcome or outweigh the harm that I have identified to the character and appearance of the area. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector