

**7. Land to the North of Banff, Picts Hill, High Ham – Application No. 12/04705/FUL**

<b>Proposal :</b>	Erection of two eco-dwellings with outbuildings and formation of vehicular accesses (GR: 343386/127772)
<b>Site Address:</b>	Land to the North of Banff, Picts Hill, High Ham
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	28th January 2013
<b>Applicant :</b>	Gillian Pengelly & Richard Body
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates Ltd (FAO: Mike Williams) Sanderley Studio Kennel Lane Langport Somerset TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**Reason for Referral to Regulation Committee**

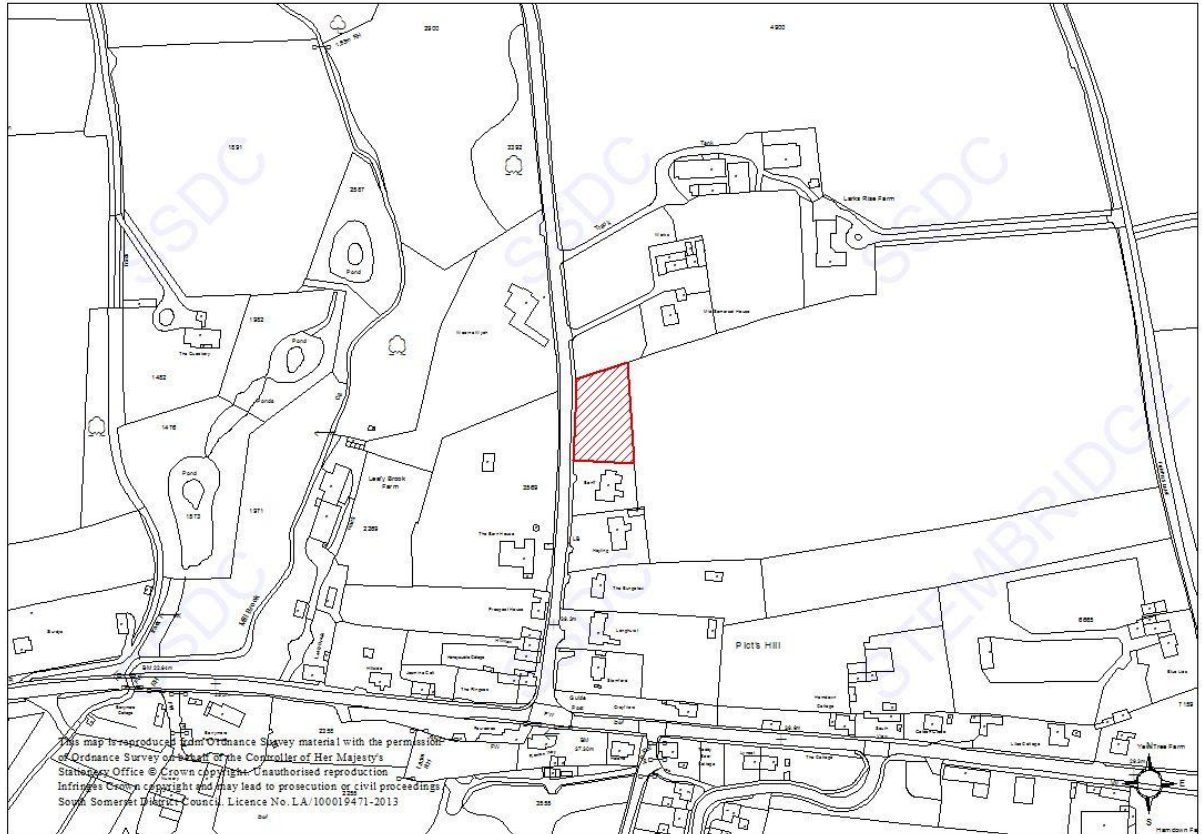
The report was referred to Area North Committee at the request of the Ward Member, with the agreement of the Area Chair, to enable a full discussion of the views of the local community and the Parish Council in relation to further development in this locality.

The application was '2-starred' (\*\*) as the proposal for a new dwelling in this rural location, for which no reasonable justification has been put forward, is contrary to policy and, if approved, could have district-wide implications. Accordingly, Area North were advised that should the Committee wish to support the proposal contrary to the officer recommendation the application would need to be referred to the Council's Regulation Committee for consideration.

The Area North Committee on 28 February 2013 (Draft minute attached at Appendix A) unanimously resolved for the application to be approved contrary to the officer's recommendation with the understanding that it will be referred to the Regulation Committee for consideration. Members' asked that a site meeting should be held in the event Regulation Members were minded to support the Officer Recommendation.

The report is as presented to the Area North Committee, but includes some updates detailed below.

**SITE DESCRIPTION AND PROPOSAL**



The application site is part of a wider countryside setting, recognised not to be a sustainable location that would otherwise support new residential development. The site is at a peripheral location in the hamlet of Picts Hill where the built form is loose grained and dissolves with the countryside entering at the edge of the wider built form that consolidates itself south of the application site. The site is unimproved land, fenced off from the abutting agricultural field to the east; a small holding or possible paddock being types of acceptable use in this location.

On the north side of the application site is 'Mid Somerset House' that is set back some way from the road. Its grounds extend toward the roadside, and maintain a rural character that continues passed the application site towards Picts Hill becoming post war ribbon development that extends out from the junction with the main road that is 180m distant. The application site is 1.9km from Langport's town centre and Huish Academy.

Across the road on its west side traditional built form stands on land that gradually becomes more pronounced in falling away from the roadside with the last larger properties largely hidden within extensive grounds providing spacious greenery that is already established even before cessation of the last of the post war ribbon development across the road.

The proposal seeks 2(no.) three bedroom dwellings with a ridge height of 5.6m and eaves 2m, located on a rectangular shaped area of land. The frontage extends to 92m. The proposal includes the formation of vehicular accesses. It is proposed that the elevations would be local natural stone and timber cladding under a 25 degree pitch tiled roof. The drawings indicate a slight increase in ridge height over the ribbon development to the south.

## HISTORY

12/01317/FUL – Erection of two eco-dwellings with outbuildings and formation of vehicular accesses. Withdrawn.

791877 – Outline: the erection of a bungalow on land adjacent to ‘Banff’. Refused.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Save policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Villages and Rural Centres.

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy ST3 - Development Area

Policy EC3 - Landscape Character

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment.

South Somerset Sustainable Community Strategy

## **CONSULTATIONS**

HIGH HAM PARISH COUNCIL – NO OBJECTION, in principle, to the application. However, that said, it is deemed prudent to place emphasis on the following supporting comment/ information for the benefit, and acknowledgement, of all parties with an interest in this application:

Over recent months, High Ham Parish Councillors have been fully involved in pre-application consultations with the applicants together with the architect and planning consultant acting on their behalf and, crucially, local residents to the site.

Whilst the Parish Council offers no objections to the application, in principle, it should be fully acknowledged, by all parties, that a key element to the decision reached relates to the assurance provided by the applicants to local residents, as stated in: ‘Section 2: The Proposal’ of the ‘Supporting Statement Incorporating Design and Access Statement Considerations.’

This states that: “They give an assurance, which can be legally binding, if necessary, that if permission is granted they will not subsequently submit a revised application for larger dwellings.”

The Parish Council confirms, therefore, that this legally binding assurance should be drawn up and introduced, to the satisfaction of local residents, as soon as possible in order to safeguard the interests of local residents in terms of any future ‘visual amenity’ impacts on them related to this site and specific to this application.

**COUNTY HIGHWAY AUTHORITY** – The development is distant from adequate services and facilities. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

**PLANNING POLICY** - The application site is located outside of any Development Area in a location where development is strictly controlled and limited to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel (Saved Policy ST3). As you are aware the validity of saved South Somerset Local Plan Policy ST3: Development Areas has recently been called into question with regards to housing supply and the Council has accepted that it does not have a 5 year supply of housing land. However, Policy ST3 seeks to direct new housing development to sustainable locations, therefore proposals for open market housing at any settlement without a Development Area (such as Picts Hill) are considered to be unsustainable in principle. The onus in this instance is on the applicant to demonstrate why they believe the development is sustainable having regard to the National Planning Policy Framework (NPPF) paragraphs 7 -16. Picts Hill does not have any local facilities such as a shop or a pub and I cannot see that a case has been made on this basis.

**LANDSCAPE ARCHITECT** - The proposal lies outside the development area of Langport and Huish Episcopi, and in a peripheral location relative to these settlements. However, I also note that the application plot lies between two residential plots (to north and south) and that the land on the opposite (west) side of the road is a large residential garden area. The site is contained to the east by an established hedgerow, with farmland beyond.

I consider the wider context of the site to be rural, as it lies at the town's fringe adjacent farmland, yet the immediate context of the plot, and character of the adjacent road, is of a leafy semi-residential nature. Whilst the development of this plot would clearly be an 'infilling' of the existing landscape pattern, I do not view it as either impacting upon a significant green space, nor being of sufficient scale to thus erode local landscape character. Consequently, whilst I appreciate there may be 'in-principle' policy grounds to reject this proposal, I do not offer landscape grounds for refusal.

**AREA ENGINEER** - No comment

## **REPRESENTATIONS**

**ONE LETTER OF SUPPORT** has been received: I have no objection to this project.

**TWO LETTERS OF OBJECTION** have been received. These are from the occupants on either side of the application site:

- Highway safety
- Any construction should continue the building line and the country appearance. It is not fitting nor is it aesthetically pleasing to see this proposal in this idyllic

- location.
- Outside development boundary
- One dwelling is better suited to the site and more in keeping.

## CONSIDERATIONS

### Principle of Development:

The dwellings are located outside of the defined development area for Langport/ Huish Episcopi, in a location with few local facilities and services. As clearly set out by both the Policy and Highways Officers, the proposal represents unsustainable development, requiring occupants of a new dwelling to travel for their daily needs (work, education, shops and services). In principle, therefore, there is a clear policy objection to the proposal. Relevant Local Plan policies are consistent with the relevant core principles of the NPPF. Accordingly, the main considerations include character and appearance, sustainable location, highway safety, neighbour amenity and sustainable construction.

### Character and Appearance:

The Council's Landscape Architect notes that this is a peripheral location, but is otherwise favourable towards the proposal and offers support for 'infilling' of the existing landscape pattern. This considers that located between two residential plots, working with the rear boundary (the boundary is of no great age and post-dates the 1950s) that continues from the backs of the post war ribbon development, and with residential on the north side and across the road from the application site; such features should be seen as supportive for 'infilling' of the existing landscape pattern. The planning officer remains concerned with the physical context of the application site.

The Design and Access Statement (section 3) states that 'Mid Somerset House' is 'set back some distance from the roadside', the more spacious residential plots at this point and across the road that remain largely informed by the surrounding countryside enjoy substantial road frontages that are contiguous, in the case of Mid Somerset House, with that of the application site and the roadside field hedging that continues north of 'Mid Somerset House'. Across the road where land falls away this even more spacious plot is set off in abundant planting and greenery that acts to distinguish these sites from the regularity of the built form to the south of the application site that continues on both sides of the road. The proposal both consolidates and extends development further north, continuing the post war ribbon of development.

As a 'gap' this roadside space needs to be 'read' in terms of the lack of proper physical containment. Mid Somerset House's hedgerow boundary is used by the Landscape Architect to contain development as much as the adjacent residential plot. However, the boundary is of no great age and extends to the side of Mid Somerset House, while had the built form of Mid Somerset House come nearer the roadside replicating a similar roadside character to the roadside dwellings to the south there would be a stronger case for 'infill'. While the owners have kept the grass cut and planted the land, this remains free of structures, forms a setting for the dwelling, but also retains a rural character with the adjacent agricultural land. The proposal simply seeks to extend the built form within this sensitive transitional edge of countryside location. The most recent infill definition that is given by central government refers to: 'sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area' (PPG3 para. 3.21). On this basis the proposal is not considered infill. There is both too great a gap involved with no definitive enclosure, while the roadside character changes abruptly at this point in the street scene and becomes, as it moves northwards, more rural in its character that makes a positive contribution to the character and



appearance of the area. Consequently the proposal would not maintain or enhance the environment and would cause unacceptable harm to the character and appearance of the area.

While each application needs to be considered on its own merit a too wide an interpretation of 'infill' is considered to set a precedent also with other potential sites in the locality. For instance, the frontage of Mid Summer House, through to the farm track located further north that might be considered to define a northern limit, should not be ruled out, with similar arguments for elsewhere within the Picts Hill area. Indeed, the view taken is that the current proposal, in effect, supports further infill, backfilling towards Langport's built form.

The proposal is considered has a detrimental effect on the immediate locality and would unacceptably change the character of the area that is considered otherwise a patchwork of abutting residential, fields and agricultural land that is often encountered towards the edge of the open countryside that forms the setting of the consolidated built form south of the application site. Indeed the planning history for the application site indicates that there have been previous applications for a dwelling in this location; the last application was refused in 1979, and before this appeals were dismissed for new dwellings in this location. These concluded no merit in a new dwelling, in favour of protecting the local environment from the extension of ribbon development. This remains as relevant today to local plan policy and the NPPF. The proposal is considered does not respect character, setting and local distinctiveness at this rural edge and is considered contrary to policies ST5, ST6 and ST3 of the South Somerset Local Plan. Neither does the proposal involve a community benefit, an exception to policy, enabling development, the re-use of a building or involves a dwelling considered of exceptional quality (para. 55 of the NPPF).

#### Sustainable Location:

Picts Hill is not a sustainable location for new development; it is not listed in saved Policy ST2: Villages, as a settlement that is in principle a suitable location for development and is therefore located in the open countryside (ST3) and does not have any local facilities such as a shop or a pub.

The South Somerset Core Strategy that currently attracts very limited weight indicates that development boundaries largely will be removed with an emphasis on securing sustainable development, restricting new dwellings away from sustainable centres. While Langport and Huish will remain a local focus for development the application site remains some distance from such anticipated centres. Although there is a pavement alongside the main road, this tends to be narrow, unkempt reducing its width; involves a series of dropped kerbs with slight tilting of the pavement surface; is poorly lit, while the pavement's course undulates and is therefore considered does not involve a particularly safe footfall for the majority of potential walkers and cyclists.

A recent appeal decision at Pitney (Land West of Clematis, dated 26 March 2013) considers that site unsustainable. This found that 'Although this policy (ST3) is now rather dated, its emphasis on sustainability is consistent with the NPPF and so I still give policy ST3 substantial, if not full, weight in this Decision.' In considering sustainability the Inspector opines: 'The nearest primary school, Post Office, health centre, substantial convenience stores and secondary school are all at least 2 miles away. The nearest bus stop... offers little more than hourly services. Consequently, I find that the village has few indicators of sustainability and that the future occupiers of the proposed dwellings would be likely to undertake most journeys by private car.' Notwithstanding that Picts Hill is closer to Langport it remains that there are more appropriate sites that support new

dwellings while the NPPF continues to support a pattern of development that reduces the need to travel. The proposal is considered contrary to ST3 and ST5 of the South Somerset Local Plan.

**Highway Safety:**

The Highway Officer raises no technical issue with the proposed accesses and parking and turning provision.

**Neighbour Amenity:**

The main openings are in the south elevations in relatively close proximity to Banff. Banff has a small rear garden; the dwelling is set back on site with limited or no openings that would be viewed from the application site. In dealing with single storey dwellings a solid boundary enclosure effectively removes concern of overlooking, although on summer days internal noise from the concentration of opened windows and doors is considered capable of disturbance, but the same openings effectively overlook the front of Banff rather than its back garden. It is considered that there is no significant harm that arises from the location of the development and its relationship to adjacent occupants.

The garden areas appear to be more limited that result from the orientation of the dwellings on site. While there is an element of privacy through retention and enhancement of the roadside hedgerow there remains limited privacy that is mostly contained within the side garden area. The dwellings have the potential to dominate their plots whereas Banff, Hayling, and the other dwellings further south generally enjoy more spacious settings. To some extent the effect arises from the larger footprints of the proposal, as well as the orientation of each dwelling. Notwithstanding, there appears to be no significant harm for future occupiers. The proposal is considered acceptable to policy ST6 (6).

**Neighbour comments:**

All neighbour objections received have been considered, and these have been included under the relevant headings of this report.

**Sustainable construction:**

The proposal refers to eco-dwellings with their orientation designed for solar gain, although this is to ignore the reliance on private means of travel and the locational factors that otherwise would not support development in unsustainable locations. The quality of eco build is primarily suited for sustainable locations. The goals that the application draws attention to should be read in conjunction with sustainable locations.

**Parish Council's Response:**

The Parish Council's response effectively objects to the proposal unless a legal obligation is entered into that seeks to control the site and prevent further applications with the objective of limiting any development to the current proposal only. It is considered that to enter into such an agreement that sought to limit the applicant's or future applicant's ability to seek to apply for planning permission fails the tests applied in using a S106 agreement, and would be unreasonable and thus unenforceable.

**Concluding Remarks:**

The scheme would do little to support economic growth in this rural area, as promoted by paragraph 28 of the NPPF, beyond the construction of two houses. Rather the proposal would foster growth in the need to travel and would be contrary to the presumption in favour of sustainable development in the NPPF, including paragraphs 14, 49 and 55 in particular.

**RECOMMENDATION**  
**REFUSE**

**SUBJECT TO THE FOLLOWING:**

01. The proposal represents unsustainable development, erecting two dwellings for which no exceptional need has been demonstrated in a locality remote from adequate services, employment, education and public transport, which would foster growth in the need for travel by private motor vehicle contrary to the aims and objectives of the NPPF (in particular paragraphs 14 and 55), and saved policies ST2, ST3 and ST5 of the South Somerset Local Plan. The unsuitability of the proposal is compounded by the undesirable northward extension of the existing ribbon development, having a detrimental impact by virtue of the adverse effect on the form, character and setting causing unavoidable harm to the locality. The proposal is contrary to the aims and objectives of the NPPF (in particular paragraphs 14, and 55) and saved policies ST2, ST3, ST5 and ST6 of the South Somerset Local Plan.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and;
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.