
Appeal Decision

Site visit made on 6 July 2016

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 26 July 2016

Appeal Ref: APP/R3325/W/16/3149235

Land opposite The Old Manse, Fivehead, Taunton, Somerset TA3 6QH

- 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 made by Mr and Mrs M Tennant against the decision of South Somerset District Council.
 - The application Ref 16/00170/OUT, dated 14 January 2016, was refused by notice dated 23 March 2016.
 - The development proposed is the erection of four detached bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has confirmed that this is an outline proposal with access, appearance and scale reserved for future consideration. The illustrative drawings show a cul-de-sac of 4 dwellings which the appellant confirms would be bungalows. I will deal with the appeal on the basis that the layout and landscaping are detailed matters at this stage.
3. A unilateral undertaking (UU) under the provisions of section 106 of the act has been submitted in an attempt to overcome the Council's stated request for a dwelling to meet local needs for affordable housing. Since the Council considered the planning application a Court of Appeal judgement (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council, 2016) has resulted in changes to Planning Practice Guidance relating to such matters in proposals for small scale and self-build development. As a consequence, the Council has accepted that none of the proposed dwellings need to be restricted to local affordable needs. The UU does not meet the tests for planning obligations within the Community Infrastructure Regulations 2010 and I will not take it into account.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site is part of a large field located to the south of the village of Fivehead which has a linear pattern of development. The dwellings and other
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buildings are generally close to the roads leading through the village although there are also some cul-de-sacs. There are various facilities nearby within the village located mainly to the north, including a public house, two churches and a commercial garage. There is also a large public hall with extensive sports field within a short walk of the site along Stowey Road. Stillbrook Road runs along one side of the site leading towards the village to the north and out of the village to the south.

6. The boundaries of the field include hedgerows interspersed with large mature trees. Immediately to the north of the site there is a terrace of dwellings known as Millers Orchard with long front gardens and opposite those a cluster of semi-detached properties. The gable end of No 20 Millers Orchard can be seen from the site above the vegetation along that boundary.
7. On the same side of Stillbrook Road to the south is a small area of land which is occupied as a gypsy site known as Sunnyside Park. I am referred to the appeals that resulted in planning permission being originally granted for that development¹. It is difficult to see into that site from the road but the stark fence at the entrance gives it a domestic appearance although the impact of that is limited due to the undeveloped gap that the current appeal site is a part of. The Planning Inspector in those appeals referred to harm that would be caused if a ribbon of development were allowed to develop along this side of the road. Partly as a consequence of what the Planning Inspector said in those cases, the appellant is proposing to retain a substantial gap between the proposed cul-de-sac and Sunnyside Park.
8. The large traditional dwelling known as The Old Manse is directly opposite the site. Its garden runs parallel with the site and close to the carriageway of Stillbrook Road. The boundary of the garden is defined partly by a low stone wall with timber fence above, a high rear wall of stone outbuilding further to the south and then a vehicular access and gravelled driveway to the south of that. This provides a hard edge to that side of the road contrasting with the dense hedge with trees within the boundary alongside the appeal site.
9. The plan as submitted shows that the Ash and other trees to the immediate northern side of the existing access would be retained as would most of the hedge alongside the road. This boundary landscaping contributes substantially to the distinctive rural feel of the lane. The plan as submitted and the Design and Access Statement confirm that the intention of the appellant is for landscaping to remain largely untouched in order to provide a high degree of screening. It is acknowledged that a small section of hedging adjacent to the existing entrance to the field would be removed and replaced with low level planting. The increase in opening for the access as shown would enable some views through to the proposed small estate of bungalows. However, the retention of the trees and most of the hedging would help to prevent the proposal from appearing as a harmful incursion of residential development. A landscape break with robust roadside hedge including occasional large trees as exists now would prevent the small development of bungalows from appearing alongside Sunnyside Park as a ribbon of residential development into the countryside.
10. The Council has raised concerns about the access to the site as currently proposed. They state that this is a matter that can be dealt with through the

¹ APP/R3325/A/08/2080152 which was allowed and APP/R3325/C/07/2062622 which was dismissed

consideration of reserved matters. They also indicate however that the specification of a suitable access may be difficult to achieve at the reserved matters stage. The detailing of an access with suitable visibility splays would have implications for the amount of the hedgerow and trees that can be retained along the boundary. It is therefore a matter that impacts upon the principle of whether or not this proposed development is acceptable. Landscaping is also a detailed matter being considered at this stage. There may also be consequences for the proposed layout of the development if the hedges and access need to be significantly altered from what is shown on the submitted plan.

11. The existing access to the field is close to the large Ash tree which interrupts visibility along the main road upon exiting the site at a point where there is a narrowing of the carriageway. The Council's highway evidence states that the carriageway of the road would need to be widened to 4.8m north of the site. Furthermore, they indicate that a 43m visibility splay would be necessary in both directions. The appellant's arboricultural advice is based upon the plan submitted with the planning application rather than taking account of more extensive changes to the access that would be clearly necessary. I have concerns that this may not be possible without causing severe impacts upon the Ash, the other trees and the hedge. This could therefore substantially harm the distinctive landscape features and considerably open up views through the frontage of the site. If that were to happen, it would make the cul-de-sac very obvious from the road and in my opinion would cause a harmful incursion of suburban development into the countryside.
12. The proposal would be at a lower density than developments closer to the centre of the village. This would help to prevent the development from creating a hard edge to the settlement allowing the incorporation of additional landscaping and open space. This and the intention to construct bungalows would limit the impact of the development when seen from the west given the robust hedge and tree growth along that boundary. The land at the rear of Elm Cottage between the appeal site and the playing field includes further landscaping. From the nearby sports field I could see the upper parts of the dwellings in Millers Orchard and bungalows on the appeal site would have even less impact. From Sunnyside Park, the proposal to have an undeveloped buffer that is intended to be partly planted with a new orchard. I am satisfied that from these directions, the bungalows would have a limited effect upon the rural fringe of the village.
13. I therefore have concerns regarding whether an access could be designed to at least preserve the existing local distinctiveness of the rural lane. In relation to the main issue, as proposed the development would have a harmful effect upon the character and appearance of the surrounding area. This would not comply with Policy EQ2 of the South Somerset Local Plan (2006-2028), adopted March 2015 (LP). The proposal would not adequately recognise the intrinsic character and beauty of the countryside as required by the National Planning Policy Framework (the Framework).

Other Matters

14. LP Policy SS2 is the main policy referred to by the Council that relates to the supply and location of housing. This indicates that Fivehead is a 'Rural Settlement' where development is strictly controlled. However the Council

accepts that it cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, the Framework explains that policies for the supply of housing should not be considered up to date. Paragraph 14 explains that the presumption in favour of sustainable development means granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The economic, social and environmental dimensions of sustainable development are set out at paragraph 7 of the Framework.

15. LP policy SS2 requires the strict control over development at Fivehead. This proposal would contribute to meeting general housing needs. The location of the site is well related to Fivehead in terms of access to some basic facilities including more than 2 of the services set out in paragraph 5.41 of the LP. It would not create but may support community facilities to serve the settlement. It would not provide employment opportunities. Fivehead Parish Council has objected to the proposal. There are also objections as well as some letters of support. However the level of engagement has been limited and there is not general community support for the proposal. The proposal would not comply with LP policy SS2. Whilst that policy is not up to date this is a harmful factor to take into the overall planning balance.
16. A number of concerns have been raised about the impact of the proposal upon the roads in the area. Stillbrook Road does not have a footpath alongside it but widens out north of the site which is the main direction that pedestrians would need to walk to reach facilities within the village. The road is straight alongside the site and there is not a complete network of footways leading towards the facilities at the moment. Pedestrian links around the village appeared to me to be generally safe for existing residents and there is no evidence that they would be unsafe for occupants of the proposed dwellings. If a safe entrance to the site could be satisfactorily achieved for vehicles that may also improve safety for pedestrians reaching the village. The Council is satisfied that the roads could adequately cope with the additional vehicle movements that would result from the development and I agree.
17. The proposal would provide 4 dwellings and this is a positive social advantage of the scheme which has significant weight in my decision. There would be additional social and economic advantages of having additional households in the village using local facilities as well as the initial benefits of the construction process. I can give some limited additional weight to these matters. However, I consider that the harm that I have identified in relation to the main issue including the lack of compliance with LP policy EQ2 and the additional harm due to non-compliance with LP policy SS2 together would have substantial weight. These factors would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

18. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR