

Appeal Decision

Site visit made on 25 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 18 November 2016

Appeal Ref: APP/R3325/W/16/3155126

Land West of Elliscombe Cottage, Gibbet Road, Elliscombe, Wincanton, Somerset BA9 8EA

- 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 Mrs Patricia Gillman against the decision of South Somerset District Council.
 - The application Ref 16/01015/OUT, dated 24 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is the construction of 2 bungalows using the existing access onto the highway.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating all plans as illustrative.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the surrounding area;
 - (ii) whether the site offers an acceptable location for the proposed development; and
 - (iii) the effect of the proposal on the living conditions of future occupiers with particular regard to disturbance.

Reasons

Character and appearance

4. The application site is situated in the countryside on the south side of Gibbet Road and is located to the west of three, two storey properties. The proposal seeks outline planning permission for the erection of 2 bungalows, with all matters reserved. The site itself is situated within an area of high amenity and landscape value and forms part of a wider agricultural site which integrates well into the surrounding countryside and enhances its rural character.
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5. Although there are a small number of residential properties nearby, their numbers are limited and their traditional design, for the most part, integrates well into the rural character of the surroundings. The addition of two modern bungalows into this agricultural setting would appear at odds with both the surrounding countryside and the neighbouring properties. They would be highly visible from a number of public vantage points and would fail to promote local distinctiveness. This would be harmful to the character and appearance of the surrounding area.
6. Consequently, I find the proposal would be contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028)¹ (LP) which seeks to ensure that new development is of high quality design which promotes local distinctiveness and preserves or enhances the character and appearance of the district.

Acceptability of location

7. LP Policies SS1 & SS2 restrict development outside recognised settlement boundaries other than in a limited number of defined circumstances. This includes where proposals provide opportunities or employment, create or enhance community facilities and services or meet identified housing need.
8. There is no evidence to suggest that the proposed development would result in any material employment opportunities other than during its construction stage. Likewise, the provision of two open market dwellings would be unlikely to significantly contribute to the enhancement of community facilities or services. Furthermore, there is nothing to suggest that there is any particular need for housing in this location.
9. It follows that, in view of its countryside location, the proposal would represent development outside of a recognised settlement boundary for which there is no justification. As such, it would be contrary to LP Policies SS1 & SS2.

Living conditions

10. The Council has also raised concerns regarding the living conditions of future occupiers. In particular, it points to the close proximity of the neighbouring works site which it considers would be contrary to LP Policy EQ2.
11. However, the appellant has indicated within her written evidence that the site has not been worked for a considerable period of time. This accords with my on-site observations and there is little evidence to suggest that this would change in the future. Furthermore, I am satisfied that with suitable boundary treatments, any harm can be suitably guarded against at reserved matters stage. As such, I do not consider the proposal would be detrimental to the living conditions of future occupiers and accordingly, I find no conflict with Policy EQ2 in this respect.

Other matters

12. While I acknowledge that the bungalows situated nearby which form part of the residential care home might indicate that the erection of similar dwellings would be acceptable, that scheme was permitted prior to the adoption of the LP and before the introduction of the National Planning Policy Framework ("the Framework"). It would therefore have been subject to a different set of policy

¹ Adopted March 2015

considerations. As such, I do not consider that it provides a justifiable precedent for the development proposed.

Planning Balance

13. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites. The Framework states that if a five year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. Policies SS1 & SS2 are such policies.
14. Nevertheless, although I have found that the proposal would not be harmful to the living conditions of future occupiers, I have found that it would be located in an unsustainable location and would be harmful to the character and appearance of the surrounding area. I regard this harm to significantly and demonstrably outweigh the benefit that an additional two units of residential accommodation would provide.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR