

## Appeal Decision

Site visit made on 15 November 2016

**by Debbie Moore BSc (HONS) MCD MRTPI PGDip**

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

**Decision date: 9th December 2016**

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**Appeal Ref: APP/R3325/W/16/3154290**

**Land at Broadbridge Road, Beercrocombe, Taunton, Somerset.**

- 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 Gordon Ainsby against the decision of South Somerset District Council.
  - The application Ref 16/00773/FUL, dated 10 February 2016, was refused by notice dated 8 April 2016.
  - The development proposed is described as: "Concessional siting of private mobile home on former residential plot, adjacent to 4 Broadbridge Road, Beercrocombe. Now vacant."
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the date of the application as that given on the appeal form, as the date on the application form is unclear from the copy supplied to me.
3. The proposal includes a vehicular access at the northern end of the site where there is an existing gate. An objection has been received from Yarlington Housing Group on the basis that the proposed vehicular access could not be used as there are no access rights over the land in front of No 4 Broadbridge Road. This is disputed by the appellant. Matters of land ownership and access rights are not a matter for me to decide in the context of an appeal against a refusal of planning permission. I have confined my consideration of this appeal to the main issues, as listed below.
4. There are some discrepancies between the submitted plans. In particular, the siting of the building shown on the site overview plan differs from that shown on the block plan. Nevertheless, I am obliged to consider the scheme on the basis of the plans that formed the planning application, even though the siting is unclear. However, as the exact siting of the building is not material to the main issues, I do not consider that either party, or those people who have commented on the scheme, would be prejudiced by my consideration of these plans.

### Main Issues

5. The main issues are: (i) whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area, and access to services, and; (ii) the effect of the development on highway safety.
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## Reasons

### *Location*

6. The settlement strategy for the district, as set out in Policies SS1 and SS2 of the Local Plan<sup>1</sup>, seeks to direct development to the most sustainable locations in the district, based on a settlement hierarchy and key sustainability criteria. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies SS1 and SS2 are not considered up-to-date. I have therefore considered the appeal in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and Policy SD1 of the Local Plan.
7. The appeal site is located to south of the village of Beercrocombe, and adjoins two pairs of semi-detached houses. The site is a long and narrow strip of land that runs alongside the road, with hedges to the front and rear boundaries. There is some small scale residential development in the vicinity, but the character of the area is predominantly open and rural.
8. The development is described as a mobile home, but it would have the appearance of a timber clad cabin. Whilst it would be a relatively low profile building, the cabin would be highly prominent due to its length and siting alongside the road. A 'stand-alone', and relatively long, log cabin would not relate to, or integrate with, the adjoining land uses. Consequently, the cabin would stand out as a highly unusual form of development that would not reflect the character of the cluster of houses to the north or the countryside location. Therefore, the development would not meet the aims of Policy EQ2 of the Local Plan which seeks to ensure that development preserves or enhances the character and appearance of the district.
9. Furthermore, the development would be unrelated to the settlement and there are very limited services and facilities in the locality. There is no evidence of any regular public transport, and future occupants would be dependent on the private car for access to essential facilities. Also, future occupants are unlikely to make any positive contribution to the vitality of nearby settlements as they would be equally as likely to travel to nearby towns.
10. I have considered the appellant's contention that there was a dwelling on the site some time ago. However, this does not justify what would, in effect, be a new dwelling in the open countryside. I have also considered whether a personal permission, as suggested by the appellant, would overcome the harm to the character and appearance of the area. The Planning Practice Guidance<sup>2</sup> (PPG) advises that there may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. However, the PPG further advises that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.
11. I have taken into account that the development would make a minor contribution to the housing supply and there is likely to be some limited

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<sup>1</sup> South Somerset Local Plan 2006-2028 (adopted 2015)

<sup>2</sup> Paragraph: 015 Ref ID: 21a-015-20140306

economic benefit during construction. However, these matters do not outweigh the environmental harm as set out above.

### *Highway Safety*

12. The proposed vehicular access would be at the northern part of the site, on a curve in the road. The Council advises that the minimum visibility splay to the south would be 43m, and there is no evidence to demonstrate that a reduced visibility splay would be acceptable in this location. Visibility to the south for emerging vehicles would be restricted by the existing trees and hedgerow and 43m would not be achievable. It may be possible to achieve better visibility through the removal of the hedgerow and trees along the front site boundary, but this would increase the adverse effect of the development on the character and appearance of the area, as set out above.
13. I have noted that an 'option 2' access has been proposed, on the submitted block plan, which would be to the south of the site. I have not taken this into account as it is clear from the information before me that the northern access formed the basis of the proposal that was considered by the Council, and other interested parties.
14. I conclude on this issue that it has not been demonstrated that safe and suitable access to the site can be achieved for all people. Consequently the development would be contrary to Policy TA5 of the Local Plan and the Framework.

### **Other Matters**

15. The appellant has provided detailed evidence in relation to his personal circumstances, which I have considered carefully. Age is a 'relevant protected characteristic' for the purposes of the Equality Act 2010 and the Public Sector Equality Duty. The proposal would enable the appellant to move into his own home. However, the harm resulting from the proposed development would be considerable and the negative impact on the appellant of dismissing this appeal would not outweigh the conflict with national and local planning policy.
16. The appellant's rights under the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998, must also be considered. Article 8 deals with the right to respect for family life and the home. Dismissal of this appeal may leave the appellant with no home of his own, with the result that he would be dependent on a family member. This would represent an interference with home and family life. However, the conflict with national planning policy which would arise is considerable.
17. I am satisfied that the legitimate aim of conforming with national planning policy cannot be achieved by any means which are less interfering with the appellant's rights. They are proportionate and necessary in the circumstances and would not result in a violation of their rights under Articles 1 and 8.

### **Conclusion**

18. The proposed development would be contrary to the specific terms of policies SS1 and SS2 of the Local Plan, including the fact that it would not meet an identified housing need as required by policy SS2. However, these policies are out of date, and I am required to consider the proposal in the context of the presumption in favour of sustainable development.

19. For the reasons given, I have found that the harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore fail to meet the aims of Policy SD1 of the Local Plan and the principles of sustainable development as set out in the Framework. Consequently, it is concluded that the appeal should be dismissed.

*Debbie Moore*

Inspector