



Appeal Decision

Site visit made on 4 September 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 27 September 2017

Appeal Ref: APP/R3325/W/17/3172435

2 Wood Road, Ashill, Ilminster TA19 9NP

- 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 Philip and Jo Underhill against the decision of South Somerset District Council.
 - The application Ref 16/04454/OUT, dated 11 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is erection of five dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access for consideration at this stage. All other matters are reserved for future consideration. However, an illustrative layout plan has been provided to which I have had regard.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the supply of employment land and premises;
 - c) whether the appeal site is a suitable location for housing; and
 - d) in light of my findings on the above issues and the housing land supply of the Council, whether the proposal would constitute sustainable development.

Reasons

Character and appearance

4. The appeal site lies at the edge of a small cluster of built form at the northern end of Wood Road, near its junction with the former A358. The local area is characterised by dwellings – predominantly bungalows – fronting the road in a single plot depth arrangement. The site lies at the end of a short row of properties and bounds directly onto open countryside. It currently contains three buildings which are located one behind the other. The building nearest the road is an industrial unit whilst those to the rear are agricultural barns.

5. The proposal is to replace these buildings with a scheme of five dwellings. The illustrative site plan shows a series of four large detached properties running lengthways into the site with a fifth unit in the dog-leg to the rear of 2 Wood Road. The development would be served off a new shared access running parallel to the garden boundary for No 2. There is clearly some leeway for adjustment as layout is a reserved matter, but it is likely that any future scheme would take a broadly similar form to that shown, if only to make most efficient use of the site.
6. The dwellings would project into the countryside well beyond the rear garden boundaries of the properties on this side of Wood Road. The resulting layout would have all the attributes of a residential cul-de-sac and this would be at odds with the established linear pattern of development in the immediate locality and harmful to the prevailing character of the area. Although the appellants draw comparisons to the in-depth arrangement of mobile homes at Stewley Cross, this is historic and does not extend into open countryside.
7. It is argued that the development would simply be replacing existing buildings and that the proposal would result in a visual enhancement of the site, its immediate setting and wider landscape character. Whilst I accept that a dwelling on the site frontage might be more attractive than the existing industrial unit, the barns to the rear are unsurprising features in this rural context and they do not appear out of place where they are visible from Wood Road. The proposed residential scheme would have a wholly different and altogether more intrusive character, notwithstanding the opportunities for sympathetic design and materials and landscaping along the countryside boundaries.
8. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policy EQ2 of the South Somerset Local Plan (2006-2028) (SSLP) insofar as it seeks high quality design which reinforces local distinctiveness and reflects local context.

Employment land

9. The appeal site is currently in mixed commercial/agricultural use, with the easternmost part of the site containing an industrial type building and a large hardstanding. The appellant describes this area as a builder's yard and open storage, although I saw no evidence of such activity.
10. Policy EP3 of the SSSLP states that employment land and premises will be safeguarded and planning permission will not be granted for development to alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. The policy requires applicants to submit a marketing statement to show that the site/premises has been actively marketed for a maximum of 18 months or such alternative period as has been agreed.
11. No marketing has been undertaken in this particular case. It is contended that the loss of employment land would be insignificant in the context of the overall requirement for employment sites over the plan period. However, this ignores the sustainability benefits of retaining locally accessible employment opportunities and affordable premises for small and start-up businesses. Such benefits are reflected in the wording of Policy EP3 which focuses upon the supply of employment land/premises *within the settlement* [my emphasis].

12. Paragraph 9.3 of the SSLP states that residential re-use will be supported where it can be demonstrated that there is identified need for additional housing which overrides the economic reasons in favour of retention of the land, or where permitted development rights apply. In the absence of any market testing I consider that the case for housing on the site has not been properly made. Whilst there may be permitted development rights available, prior approval has not been secured and therefore I attach limited weight to any fallback position.
13. It is further argued that re-use of the land and building for alternative employment purposes is unlikely to occur as the appellants would not want to undermine the amenity of their property. I can find no compelling reason why the appeal site would not be suitable for uses within Class B1 which, by definition, can be carried out within a residential area without detriment to the amenity of that area. The appellants have every right as landowners to prevent re-use of the site by a third party but this in itself does not justify releasing the site for housing.
14. Accordingly, I conclude that the proposal would result in an unwarranted loss of employment land and premises in conflict with Policy EP3 of the SSLP.

Whether suitable location for housing

15. The Council's settlement strategy is set out in Policy SS1 of the SSLP. This establishes a settlement hierarchy, with Yeovil identified as the prime focus for development and Market Towns and Rural Centres listed below that. All other Rural Settlements are considered as part of the countryside to which national countryside protection policies apply. Ashill falls into this category.
16. Policy SS2 of the SSLP states that development in Rural Settlements will be strictly controlled and limited to that which provides employment opportunities appropriate to the scale of the settlement; and/or creates or enhances community facilities and services to serve the settlement; and/or meets identified housing need, particularly for affordable housing. The policy does not preclude housing development, and provides some flexibility of approach to take account of the diversity of settlements in this tier of the hierarchy.
17. The supporting text explains that housing should only be located in settlements that contain a range (defined as two or more) of services. Ashill contains a basic core of facilities which include a primary school, village hall, church, public house and recreation ground. It is therefore suitable for housing development which is commensurate with the scale and character of the settlement.
18. In my judgement, the proposal would be reasonably commensurate with the scale of Ashill. However, the appellant does not adequately demonstrate how the proposed housing would meet identified local need. Neither is there any evidence of robust engagement and consultation with the local community. Both factors weigh against the proposal.
19. The Council is concerned that the appeal site is located remote from the village facilities. Occupants of the new dwellings would need to travel approximately 1.3 km to reach the centre of the settlement. Although this distance may discourage some residents from making the journey on foot, there is a pedestrian footway along most of the route and therefore walking is a realistic option. Furthermore, the quiet roads make cycling to the village a practical

alternative. Ilminster is also within cycle range, although I appreciate that this would appeal only to experienced cyclists.

20. There is a bus stop within a 400 m walk of the site from which a service operates four times daily (excluding Sundays) to the higher order settlements of Taunton, Ilminster and Martock. The Council describes this as limited but in a rural context the service is reasonable and residents would have the opportunity to use public transport for at least some trips.
21. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. The appeal proposal would be consistent with this strand of national policy, despite there being some conflict with Policy SS2.

Planning balance and conclusion

22. The Council concedes that it cannot demonstrate a five-year supply of housing. Paragraph 49 of the Framework states that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Policies SS1 and SS2 both fall into this category.
23. Paragraph 14 of the Framework explains that where relevant policies of the development plan are out-of-date, planning permission should be granted 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.
24. The proposal would make a modest contribution to addressing the Council's shortfall of housing, against the backdrop of national policy to boost significantly the supply of new homes. This would constitute a social benefit of granting planning permission. Economically, the scheme would support employment during the construction phase and over the longer term additional spending would help to support the local services in Ashill. It would also generate monies via the Community Infrastructure Levy. The re-use of previously developed land on part of the site would constitute an environmental benefit.
25. Against these benefits I need to balance the harm to the character and appearance of the area and the loss of employment land and premises. In my judgement, these combined harms would significantly and demonstrably outweigh the benefits set out above. I therefore find that the proposal would not constitute sustainable development in terms of the Framework. It would conflict with the development plan as a whole and there are no material considerations sufficient to justify a departure from adopted planning policy.
26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR