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# Appeal Decision

Site visit made on 5 October 2017

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 30 October 2017

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**Appeal Ref: APP/R3325/W/17/3176399**

**1 Brett's Field, Land off Longstrings Lane, Broadshard, Crewkerne  
TA18 7NJ**

- 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 Brett Jacobs against the decision of South Somerset District Council.
  - The application Ref 16/03209/OUT, dated 20 July 2016, was refused by notice dated 25 November 2016.
  - The development proposed is outline application for residential development.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the address for the appeal site from the planning application form. This accurately describes the location.
3. An enforcement notice has been issued in relation to this site in the past but my understanding is that the notice has been withdrawn. I am not dealing with matters connected to the previously alleged unauthorised development in this appeal and will only deal with the development as proposed.
4. The proposal is in outline form and the Council has dealt with it on the basis that all matters are reserved for future approval. The submitted plans show 4 dwellings and the design and access statement that accompanied the planning application refers to 4 dwellings. That is the basis upon which the application has been publicised and considered by the Council. Within final comments, the appellant suggests that the proposal could be considered on the basis of 1, 2 or 3 dwellings. I will consider the proposal on the basis of 4 dwellings as shown on the submitted plans albeit that the layout is purely indicative. The submitted plans also show the site divided into 2 plots each with 2 of the dwellings. These would be served from 2 separate accesses off of Longstrings Lane which is referred to as a "private highway" although it is a public right of way. The lane is only partially surfaced. Access is also a reserved matter but vehicles related to the proposed dwellings would need to use the junction of Longstrings Lane with Broadshard Road (A356).

## Background and Main Issues

5. The Council agrees that at present they cannot demonstrate a 5 year supply of

deliverable housing sites. Accordingly, paragraph 49 of the National Planning Policy Framework (the Framework) states that the relevant policies for the supply of housing should not be considered up to date. In these circumstances, the fourth bullet point of paragraph 14 of the Framework makes clear that the presumption in favour of sustainable development means granting permission for the proposed development, unless any adverse impacts significantly and demonstrably outweigh its benefits or specific policies in the Framework indicate development should be restricted.

6. In view of this, the main issues in this appeal are whether any specific policies in the Framework indicate that the proposed development should be restricted or whether any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, having particular regard to the suitability of the site for housing with regard to:
- The effect upon highway safety;
  - The effect on the character and appearance of the site and the surrounding countryside; and
  - The contribution of the proposal to meeting the shortfall in housing.

## **Reasons**

### *Highway and pedestrian safety*

7. Longstrings Lane is narrow in places and joins the busy main A356 to the north west which would be the route taken by occupants of the proposed dwellings. The lane is currently used by the appellant in connection with his agricultural use of the appeal site and there are other fields used for agriculture and equestrian uses that generate some traffic at the moment. According to the appellant, the lane is also used by the general public on foot, bicycle, motorcycle and on horseback.
8. The Council consider that the residential use for 4 dwellings would create additional vehicle movements and this is estimate to be as many as 32 per day. This is based upon TRICS<sup>1</sup> data which assumes that an average dwelling will generate 6 to 8 traffic movements per day. This seems a reasonable estimate to me. The appellant states that the site currently generates between 2 and 14 vehicle movements per day. It is not clear from the submitted evidence how this significant variability is distributed through a normal day or what the general pattern of movement is. Furthermore, the appeal site does not include all of the appellant's land and some agricultural use could remain as would any traffic related to that and other nearby land.
9. The restricted width of Longstrings Lane means that there is little space for walkers, cyclists or motorcyclists to find refuge if confronted by vehicles or passing places for 2 vehicles to pass by each other. The dwellings would also result in some additional pedestrian movements along the lane particularly as the site is accessible by walking to some of the services within the northern part of the town. This could include those with children in pushchairs and wheelchair users. The facilities are not sufficiently accessible in my view to assume a reduction in the number vehicle movements, particularly as pedestrians would need to cross the busy A356 or walk along the largely

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<sup>1</sup> Trip Rate Information Computer System

unsurfaced footpath to reach the services in the settlement. Consequently, I consider that the proposal is likely to generate significantly more vehicle movements than the current agricultural use which could result in additional conflicts between those vehicles and users of Longstrings Lane.

10. The junction of Longstrings Lane onto the A356 broadens out next to the main road carriageway and has a hard-surfaced splay. This provides reasonable inter-visibility between drivers of emerging vehicles and vehicles approaching from the north. A good view along the lane is possible when approaching from the north. However, the junction has a narrow angle restricted by the adjacent hedge bank which makes it awkward to view to the south when emerging from Longstrings Lane. Vehicles emerging from the junction are also difficult to see when approaching from the south, along the A356 due to the hedge bank. Any view along the lane is tricky until directly in front of the junction.
11. A driver of a car (as opposed to a higher vehicle such as a van shown in some of the appellant's photographs) waiting to turn at a point 2.4m set-back distance ('x' distance) from the carriageway as shown in Manual for Streets (MFS) and Design Manual for Roads and Bridges (DMRB), if light use is assumed, would not have a good view of traffic approaching from the south. The obstruction presented by the hedge bank means that drivers of vehicles emerging from Longstrings Lane need to position themselves to the northern side of the splay in order to gain a sufficient view of traffic approaching from the south. This can interfere with vehicles turning into the site from both directions. Furthermore, the narrowness in parts of Longstrings Lane and potential for conflict between vehicles could result in some vehicles waiting within the carriageway. This would be an additional hazard at a point close to a bend and another junction.
12. The junction geometry does not conform to that within the MFS or DMRB for direct access due to the angled southern splay and obstruction caused by the hedge. Whilst this may not have resulted in safety concerns given the current use of Longstrings Lane, I am concerned that additional usage could cause highway safety problems. In addition increased use by vehicles would create more potential for conflict between vehicles and users of the public footpath and would not be a satisfactory shared surface as referred to within MFS.
13. A version of a gated access as set out in DMRB could in this location could result in even further disruption to traffic on the A356 due to vehicles potentially having to queue on the main road close to the bend even though it has a 30mph limit. Other examples of accesses which the appellant considers are similar have also been referred to. However, they do not change my view of the inadequacy of this access. The lack of comment by the Highway Authority upon the previous planning submissions is also not an indication of suitability of the access.
14. It would not be possible to sufficiently address transport implications from the development. No revised junction design is put forward and it is not clear that the appellant could achieve any improvements. Secure inclusive, safe and convenient access on foot and cycle would not be achieved. In relation to the first main issue, the proposal would have a harmful effect upon highway safety which would not comply with Policy TA5 of the South Somerset Local Plan<sup>2</sup> (LP) or paragraph 32 of the Framework which requires safe and suitable access for

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<sup>2</sup> South Somerset Local Plan, 2006-2028, adopted March 2015

all people. This weighs substantially against the proposal.

*Character and appearance*

15. The appeal site is a stretch of land located on the rural outskirts of Crewkerne. It comprises an 'L' shaped part of a larger field that rises gently up from the lane and which is adjoined by other undeveloped fields. This part of the landscape is not significantly affected by existing residential development, the nearest parts of the settlement being separated by the adjoining fields, to the west and north-west and further away to the south. The proposal would intrude into this setting and even though it would be possible to retain space around the dwellings, a finger of sub-urbanised development would be created.
16. I do not have any particular designs before me. I accept that it would be possible to limit the impact of the dwellings. However, whatever design approach is taken this would change the character of the site which would be noticeable from the adjoining public right of way across the boundary hedges and surrounding fields, even if they are supplemented with additional planting.
17. A site including land off of Longstrings Lane was included for consideration during an earlier Strategic Housing Land Availability Assessment. This was then followed through into a draft local plan process that led to the adoption of the 2006 local plan. From the information provided to me, it is not clear whether potential allocation included the appeal site. Much of the area was to the south-west of Longstrings Lane, closer to the existing built up part of the town. The local plan Inspector at that time was considering the relative merits of various sites and considered the Longstrings Lane site was preferable to one that has since received outline planning permission. The Longstrings Lane draft allocation was not adopted in the 2006 plan. That draft allocation has no weight in this appeal.
18. The Council is of the view through the 2008 Peripheral Landscape Study for Crewkerne that the site is within an area with moderate to low capacity to accommodate built development. The visual sensitivity may not be significant from some directions but there would be some harm. The change in the landscape due to the proposal would create an intrusion of residential development within the sensitive setting of the settlement which would not conserve or enhance the landscape character of the area. In relation to this main issue, the proposal would be harmful to the character and appearance of the site and the surrounding countryside. This would not comply with LP Policy EQ2. This landscape harm is limited but weighs against the proposal.

*Housing needs and supply*

19. It is indicated that some of the dwellings would be 'starter homes'. There is no mechanism proposed to limit these to any particular tenure and so I have considered them as being open market dwellings. However the provision of the dwellings would contribute to the under-provision of housing in the area and to the provision of a sustainable, balanced community. This would also be assisted by the location being accessible to local services and facilities.
20. I am not provided with much information about the degree of current under-provision in the area. In relation to this issue, the provision of 4 dwellings would be a positive benefit of the proposal. I can give this a moderate degree of weight due to the social and economic advantages that the proposal would

bring. This would accord with paragraph 47 of the Framework by helping to boost the supply of housing.

### **Other Matters**

21. The appellant has referred to a number of other planning decisions for residential development but it is not my role within this appeal to critique the merits of this scheme in comparison with those. I agree that it is important that decision making is undertaken in a consistent manner but it is not clear than any of the other cases referred to, are so similar as to warrant me making a different conclusion on the main issues in this case.
22. Neither of the prior notification applications relating to the existing buildings on site (under the provisions of part Q of the Permitted development Order and the previous part MB) has been approved. Of those, 1 was also dismissed at appeal. Whether or not there is any potential for utilising permitted development rights is not a matter for me in this appeal and consequently does not have any weight in my decision.
23. The proposed dwellings could be constructed to high environmental standards and that could be fully considered through the submission of detailed designs. This could help to reduce the impacts that the occupants of the dwellings would have upon the local and global environment. In these respects, the proposals would not be harmful. This has a neutral weighting within the overall balance.

### **Planning Balance and Conclusion**

24. Paragraph 49 of the Framework says housing applications should be considered in the context of the presumption in favour of sustainable development. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. Therefore, relevant policies for the supply of housing are out of date and, accordingly, the fourth bullet point of paragraph 14 of Framework on the presumption in favour of sustainable development is engaged. There are two indents to consider under the fourth bullet point of paragraph 14.
25. First of all, I consider that my conclusions in relation to the first 2 main issues do not signify that a specific policy within the Framework indicate that development should be restricted (footnote 9). Secondly, under the first indent of the fourth bullet point of paragraph 14, it is necessary to consider whether any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. I have concluded that the proposed development of 4 dwellings would cause unsafe highway conditions to which I give substantial weight. I also consider that there would be some harm to the character and appearance of the area to which I give limited weight. These adverse impacts significantly and demonstrably outweigh the moderate benefits of the proposal.

### **Conclusion**

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

*Andy Harwood*

INSPECTOR