



## Appeal Decision

Virtual Hearing Held on 20 October 2020

Site visit made on 21 October 2020

**by M Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

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**Appeal Ref: APP/R3325/W/20/3251314**

**Symphony Farm, Tinkers Lane, Quarr, South Somerset SP8 5PB**

- 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 Sam Griffiths against the decision of South Somerset District Council.
  - The application Ref 19/02947/FUL, dated 9 October 2019, was refused by notice dated 3 March 2020.
  - The development proposed is to demolish existing stables & barns & construct 5no. detached houses.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following some discussion at the hearing, the Highway Authority reviewed the submitted details and was satisfied that concerns previously raised in respect of highway matters had been addressed. I have no reason to consider differently and, on this basis, these matters do not form part of the main issues I identify below.
3. At the time of the hearing the Council was unable to demonstrate a five-year supply of deliverable housing sites. Following the close of the hearing, the Council has indicated that this position has changed and that it is now able to demonstrate a five-year supply. The appellant has been provided with the opportunity to comment on this and as such I am satisfied that there would be no prejudice in me determining this appeal on the basis of the current position.

### Main Issues

4. In light of the above, the main issues are:
  - i) whether the location is suitable for the proposed development, having regard to local and national policies for the location of housing, and
  - ii) the effect on the character and appearance of the area.

## Reasons

### *Suitability of location*

5. The site lies approximately 2.5 kilometres (km) from the settlement of Gillingham and in excess of 1km from Cucklington. It lies to the north of a group of dwellings, known as Quarr. Policy SD1 of the South Somerset Local Plan – 2015 (the Local Plan) sets out the Council’s approach to sustainable development. Policy SS1 of the Local Plan establishes a hierarchy of settlements, which are targeted for future growth, within which the appeal site does not lie. Outside of these stated settlements, others will be considered to be rural settlements lying in the countryside.
6. Policy SS2 of the Local Plan strictly controls development in rural settlements and limits it to that which provides employment opportunities, creates or enhances community facilities and services to serve the settlement and which meets identified housing need, particularly affordable housing. There is no substantive evidence before me to show that the proposal would meet any of these criteria and consequently, the proposal fails to accord with these abovementioned policies.
7. The site would be remote from day-to-day services. The nearest settlement providing any services is Cucklington, with a church located approximately 1.7km from the appeal site, and a village hall. No other facilities are provided for within this settlement. Other services would be provided within Gillingham which is 2.5km, as the crow flies, from the appeal site. The Council states that in order to access services within this settlement on foot would require a walk of approximately 4.5-4.7km. To my mind, this is not a reasonable distance for occupants to walk in order to access services. I acknowledge that the appellant asserts that it is within a reasonable cycling distance and that the site is close to a cycle network. However, I observed the local roads to be unattractive to both pedestrians and cyclists. Roads were narrow with numerous bends to negotiate, there were little or no opportunities for pedestrians to take refuge from passing traffic, which often appeared to be travelling at speed, and there was no visible streetlighting present.
8. Thus, either walking or cycling to access services would be an unappealing option for residents, particularly in inclement weather. There is no evidence of a regular bus service near to the site, but the appellant highlights the existence of a “Ring & Ride” service. Even so, there is nothing to suggest that this would be a convenient or suitable way of regularly accessing services.
9. I am also conscious that residents within rural areas are typically more reliant on the use of a car to access services, however this serves to reinforce the rationale of locating new residential development where there is good access to existing services, as set out in the above policies. Consequently, I find that occupants would be heavily reliant on the use of the private car to access services. That residents may combine and better plan journeys, does not compensate for this.
10. Accordingly, I find that the location is not suitable for the proposed development, and the scheme would conflict with policies SD1, SS1 And SS2 of the Local Plan. Together, and amongst other things, these policies seek to ensure development adheres to the principles of sustainable development, that

the location of new development reflects these principles and that development in the countryside is prevented unless sustainability criteria can be met.

11. There is mention of the proposal not resulting in isolated dwellings. I agree that the location would not be isolated within the context of paragraph 79 of the National Planning Policy Framework (the Framework). However, that the dwellings would not be isolated in this regard does not outweigh the harm that I have identified.

#### *Character and appearance*

12. The appeal site comprises a complex of a number of large agricultural-style buildings, which are used for equestrian purposes. It lies adjacent to a minor country lane and is enclosed along this road by hedging. The surrounding area has a distinctly rural character comprised of hedge lined roads, surrounded by fields. Within the immediate vicinity of the site, development is sporadic and, while there is a cluster of properties to the south, these have little visual relationship with the appeal site.
13. The proposed scheme would result in the demolition of the existing buildings and their replacement with five dwellings. The new buildings would be positioned across the site, in a somewhat loose arrangement, around a centrally located estate road. In this respect, the development would be more reminiscent of a small, sub-urban housing development than of the loosely arranged, sporadic dwellings that are present within the surrounding area. It would thus appear at odds with the surrounding rural landscape and the development present within it. Its discordance would be further emphasised by the differing heights and shapes of the proposed dwellings.
14. I note that there would be a significant reduction in built form across the appeal site, however the existing buildings despite their scale are not uncommon features within a rural landscape i.e. buildings that are agricultural in appearance. The proposal would introduce a development with a distinctly different character, which would diminish the attractive rural aspect.
15. Accordingly, I find that the proposal would have a harmful effect on the character and appearance of the area. Thus, it would conflict with policy EQ2 of the Local Plan, insofar as it seeks to ensure development achieves a high-quality design that preserves the character and appearance of the district. The scheme would also conflict with the design aims of the Framework.

#### **Other Matters**

16. Since the close of the hearing, the Council has updated its Housing Land Supply position and advises that it is now able to demonstrate in excess of a 5 years supply of deliverable housing sites. I acknowledge that the appellant, when commenting on this change, contends that the revised calculations have been produced for the Local Plan review, which has "neither been examined or adopted". However, I am conscious that the calculations would have been undertaken as part of an annual review of the housing land supply position and as such I have no substantive reason to doubt the veracity of the information now provided. Accordingly, the provisions of paragraph 11(d) of the Framework are not engaged and substantial weight must be afforded to the conflict with policy that I identify above.

17. The existing equestrian use at the site has the potential to result in a not insignificant number of traffic movements throughout the day, albeit that I observed few vehicle movements at the time of my site visit. The number of such movements would be lessened by the proposed development. However, while no adverse effects have been evidenced from the current movements, I accept that reduced vehicular movements along a narrow lane at this rural location would result in some benefit, although I accord this only limited weight. The scheme would also utilise previously developed land, however given the location away from a settlement and the conflict with the locational policies that I refer to above, this matter also carries limited weight.
18. The possibility of a conversion of the existing buildings to residential use, under Part Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 has been raised as potentially comprising a fall-back position. However, this possibility would only arise should the buildings be used for agricultural purposes. It appeared to me that there was an equestrian use of the buildings within the appeal site and this is confirmed by the appellants statement of case, which clearly states that the farm has an equestrian use, involving the re-use of agricultural sheds. On this basis, there is substantial doubt in my mind as to whether a conversion under Part Q would be possible. Therefore, this matter and the contended benefits of the appeal scheme over a conversion scheme, have little bearing on my consideration of the appeal.
19. The appellant highlights a number of other developments nearby in support of the acceptability of the appeal proposal. A site in proximity to the appeal site has been cited, where a new dwelling has been given permission. Whilst contended to not be relevant by the appellant, there had previously been prior approval given under Part Q for the conversion of existing buildings to a residential use. This would no doubt have comprised a fall-back position and material consideration in the consideration of that scheme. Thus, the circumstances of that case are notably different from the scheme that is before me. My attention is also drawn to a development that was granted planning permission at nearby Motcombe, for six dwellings. From the details that have been provided it is clear that this site was located adjoining an existing settlement, where there were facilities available a short walk away, including a primary school. This scheme was also determined at a time where the Council determining the application, which is not the same Council as in the scheme before me, could not demonstrate a five-years supply of deliverable housing sites. These factors clearly set that scheme apart from the appeal scheme. Thus, neither of the cited examples persuade me that this scheme is acceptable.
20. The Framework supports housing where it will enhance or maintain the vitality of rural communities by supporting local services. In the absence of local services within proximity to the site and limited services in nearby locations, I find little evidence that the scheme would accord with this objective of the Framework.
21. I am cognisant that the appellant asserts that the scheme would facilitate residents working from home, which would reduce the need to travel, as well as that following the current pandemic, many people will seek to continue to work from home. In addition, there may be a desire by individuals to live in the countryside. These matters are noted; however, they carry little weight given the conflict with the locational strategy of the Local Plan that I have identified.

22. As part of the scheme, the provision of electric cars which would be charged from a solar-powered garage, for the use of occupiers, has been proposed. At the hearing I enquired as to whether a planning obligation was to be offered securing this as a benefit of the scheme. However, it was stated that this element would be secured by private covenant, included in the sale of the properties. While this is noted, I am conscious that there would be no mechanism as part of the planning process to ensure that the provision of the electric cars would be secured, despite cited tax benefits. There is also nothing to ensure that, even if provided, the electric cars would be utilised by residents. As such, this matter carries little weight in favour of the appeal scheme. I am also conscious of the environmental sustainability measures proposed within the construction of the proposed dwellings. However, given the harm to character and appearance I find above, this also attracts little weight.

### **Conclusion**

23. I acknowledge there would be some benefit arising from the scheme as I set out above, while on the other hand there would be environmental harm arising from locating development in a location with such poor access to day-to-day services, together with the harm to the character and appearance of the area. With all matters in mind, any benefits are not sufficient to outweigh the harm and consequential conflict with policy that I have identified.

24. Accordingly, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Ivan Maughan

Agent, Maughan Architecture

Phil Caseley

Managing Director, JPC Highway  
Consultants

Sam Griffiths

Appellant

### FOR THE COUNCIL:

Colin Begeman

Principal Planner, South Somerset  
District Council

Adam Garland

Principal Planning Liaison Officer,  
Somerset County Council

## **DOCUMENTS**

1. Highway Authority Position Statement