



Appeal Decision

Site visit made on 20 October 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/R3325/W/20/3257170

Cider Barn, Combe, Langport, Somerset TA10 0QG

- 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 Mrs Tracey Velaj against the decision of South Somerset District Council.
 - The application Ref 20/00178/FUL, dated 3 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is demolition of existing agricultural stone barn and redevelopment of 3 bedroom, detached two storey house with garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are;
 - i) whether the occupants of the proposed development would have adequate access to shops and services by sustainable transport modes and,
 - ii) the effect of the proposed development on ecology.

Reasons for the Recommendation

- i) Access
4. Policy SS1 of the 2015 adopted South Somerset Local Plan (LP) sets out the Council's strategy for where new development is expected to be focussed. The strategy includes Langport which is identified as a 'Local Market Town'. However, the appeal site is situated within Combe, a small hamlet located around 0.8km outside the defined development area of Langport
 5. Under Policy SS1, Combe is a 'Rural Settlement' and thereby considered part of the countryside. LP Policy SS2 sets out that proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services so as to maintain and enhance the vitality of rural communities. Being a small hamlet, Combe does not have any of the specified
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- services, with the site being around 1.1km from the nearest convenience store, 1.6km from a supermarket and 1.9km from Langport High Street.
6. With regard to sustainable transport modes to access these services, the hamlet is not served by a local bus service and the roads leading to the edge of Langport lack pavements and street lights. Furthermore, the final section of the route includes fast moving vehicles on the A372 which rises up Swallow Hill and is fairly narrow and meandering. Consequently, the local road conditions are not conducive to either walking or cycling to the nearest services, even if the distances themselves are not prohibitive. Future occupants of the proposed dwelling would therefore be heavily reliant on a private vehicle. Although the journeys made by a private vehicle to the services would be short in distance and duration, they would nevertheless add to congestion in Langport and be harmful to air quality.
 7. While paragraph 103 of the National Planning Policy Framework (the 'Framework') recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the site's location fails to offer any genuine sustainable transport options.
 8. In conclusion, the appeal site is not a suitable location for the proposed development as it would fail to accord with the Council's housing strategy and future occupants of the development would have inadequate access to shops and services by sustainable transport modes. The development would conflict with Policies SS1 and SS2, as set out above. It would likewise conflict with LP Policy SS5 which expects compliance with Policy SS2 in the delivery of housing growth.
 9. The development would also fail to meet Policy TA5 of the LP which seeks to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport, that addresses the needs of all. Furthermore, it would conflict with Policy EQ2 of the LP which generally seeks high quality development having regard to service availability and accessibility.
 10. Although the Council referred to them in its decision notice, there would be no direct conflict with LP Policies SS4, TA1 or EQ1 which respectively concern; identifying the district housing requirement over the plan period, making provision for low carbon travel options and delivering climate change mitigation and adaptation. Furthermore, it would not conflict with paragraph 79 of the Framework in relation to isolated homes in the countryside because the proposal relates to development within a hamlet.

ii) Ecology

11. The Council was unable to assess the proposal's effect on ecology due to insufficient and out of date information. In response, the appellant has commissioned and provided copies of a Preliminary Ecological Appraisal Report and a Phase 2 Survey and Ecological Impact Assessment of the site, based on a survey undertaken this year.
12. These confirm that bats use the barn as a feeding roost and a wren was also identified as using the stonework for nesting. No further surveys were deemed necessary but proposed mitigation included; a specified method of works in relation to the demolition, a bat sensitive lighting scheme, the provision of two bat boxes and one nest box suitable for wrens. An enhancement was also

proposed in the form of a double house martin nest cup. As these provisions could be secured by conditions, there would be no conflict with Policy EQ4 of the LP in relation to protecting biodiversity.

Other Matters

13. In support of the proposal, the appellant has put forward a series of suggested positive benefits which are considered below.
14. It is argued that the development would enhance the vitality of the rural community of Combe. However, as the supporting text to Policy SS2 highlights, it is not realistic to expect a small hamlet with no services to be made a more sustainable location through new housing development. Paragraph 78 of the Framework supports housing development where it will enhance or maintain the vitality of rural communities, which may include services in nearby villages. Nevertheless, there are no other villages nearby that would be readily supported by the proposal with the nearest services being in Langport which, due to the size of the town, would benefit negligibly from a single dwelling.
15. As the site includes a disused old barn, the appellant suggests the proposal would be supported by paragraph 117 of the Framework which sets out that planning decisions should promote an effective use of land in meeting the need for homes while safeguarding and improving the environment. However, the barn itself only accounts for a small part of the appeal site which is otherwise orchard/pasture and, due to its agricultural nature, none of the site attracts the substantial weight to be given to the use of suitable brownfield land, as set out in paragraph 118 of the Framework.
16. Furthermore, aside from an attached open sided element with a corrugated metal roof, the barn is primarily constructed of stone with a dual pitched clay tiled roof. Despite its current poor state of repair, its longstanding traditional built form makes a tangible positive contribution to the rural character of the hamlet. Its proposed demolition would not therefore safeguard the environment and while the design of the replacement dwelling seeks to imitate a barn, it would not represent a substantive improvement given its similarity to the existing design.
17. It is acknowledged the proposal would offer some visual benefits in terms of addressing the disused appearance of the site. The proposed vehicular access would also provide an additional small layby on Combe Lane and the provision of a double house martin nest would be an ecological enhancement. However, given their minor nature, very limited weight is given to these considerations.
18. The appellant has provided details of three cases where the Council granted planning permission for residential development in relation to Policy SS1 Rural Settlements; two in nearby Wearne and one in Muchelney, (Council Refs: 17/01301/FUL, 20/01078/FUL and 17/04485/OUT). However, in respect of Wearne, there was considered to be safe access to services and, in one of the cases, a number of other benefits. The approved developments were not reliant on a hazardous section of the A372, as applies to Combe. With regard to Muchelney, the Council considered that development to be reasonably located with respect to key local services, as opposed to Combe which has none. Although a third party has referred to a further permission (Council Ref: 17/0453/FUL), no detailed information about that case has been provided and so a comparison may not be drawn.

19. The development would provide an additional market house. Furthermore, there would also be economic and employment benefits associated with the construction phase of the development. Nonetheless, as the proposal is for just one house, it would make a very limited contribution to the housing supply in the District and the local economy. Consequently, I give these benefits limited weight.

Planning Balance

20. The appellant reports that the Council's October 2019 Five-Year Housing Land Supply Paper finds the Council can only demonstrate a 4.5-year supply. There is no evidence from the Council which contests this. On this basis, paragraph 11 d) ii of the Framework should be applied, which requires an assessment of the proposal against the policies in the Framework taken as a whole. Paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
21. The Framework indicates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, development should give priority to pedestrian and cycle movements and to facilitating access to high quality public transport, so far as possible. It should also be ensured that safe and suitable access to a site can be achieved for all users. The Framework therefore generally supports the Local Plan's housing delivery strategy (Policies SS1, SS2 and SS5) and its requirement for safe accessibility by sustainable transport modes, (Policies TA5 and EQ2).
22. Even when taking account of the Framework's objective of significantly boosting the supply of homes, the acknowledged important contribution that small sites can make to meeting the housing requirement of an area, and the Council's housing land supply situation, the proposal's conflict with the policies identified above should be given significant weight in the determination of the appeal. There would be social, economic and environmental benefits arising from the proposal but for the reasons previously outlined, these attract, at most, only limited weight.
23. Consequently, when assessed against the policies in the Framework taken as a whole, it is considered the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does therefore not apply and, further, the development would conflict with Policy SD1 of the LP which seeks to secure sustainable development.
24. Accordingly, it is concluded the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR