



## Appeal Decision

Site Visit made on 25 January 2021

**by T Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 February 2021**

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**Appeal Ref: APP/R3325/W/20/3258176**

**Land to the east of Keepers Lodge, Little Norton, Norton sub Hamdon, Stoke sub Hamdon, Somerset TA14 6TE**

- 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 & Mrs M McKellar against the decision of South Somerset District Council.
  - The application Ref 19/03241/OUT, dated 11 November 2019, was refused by notice dated 30 April 2020.
  - The development proposed is Erection of a dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore assessed the drawings as merely illustrative insofar as they relate to the reserved matters.
3. During the course of the appeal, a local councillor submitted a report covering the Council's current position on housing land supply. The main parties were given the opportunity to comment on its relevance and bearing on the appeal and I have taken these comments into account in reaching my decision.

### Main Issues

4. The main issues are:
  - whether the proposed development would be in an appropriate location, having regard to development in rural settlements and access to key services that is safe and addresses the needs of all users; and
  - the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to trees.

### Reasons

#### Location

5. The appeal site is situated within the rural settlement of Little Norton. Although it has no services, Little Norton is considered by the main parties to be well-related to Norton sub Hamdon and to gain its key services from that settlement, which includes amongst other aspects a shop and post office, primary school, village hall, public house, church and recreation ground. Although the

surrounding area has a rural character, the site is not isolated given the various buildings in the vicinity.

6. Policy TA5 of the South Somerset Local Plan 2006 – 2028 (SSLP) requires development to be designed to maximise the potential for sustainable transport through, amongst other aspects, securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all. Amongst other things, SSLP Policy SS2 also sets out that housing development should only be permitted in rural settlements that have access to two or more key services.
7. The distance between the site and the services in Norton sub Hamdon is not particularly significant, with for example the pub and shop/post office being approximately 1 and 1.2 kilometres away respectively. Being relatively minor, the highway between the site and Norton sub Hamdon is unlikely to be particularly busy with vehicular traffic. It has been put to me that it is also well used by recreational cyclists and pedestrians, including residents of Little Norton, visitors to Ham Hill Country Park, tourists staying in the nearby holiday accommodation, and walkers using the national trails which run along the highway past the site and through Little Norton. Future occupiers of the development could in theory therefore access key services on foot or by bicycle.
8. However, walking or cycling to the services in Norton sub Hamdon would involve a stretch of unlit highway and other sections with no footways or dedicated separation from vehicular traffic on the carriageway. Although the section of highway from the site into Little Norton is relatively short, I observed on my site visit that it is narrow and contains neither street lighting nor any formal separation between vehicular traffic and non-vehicle users. It seems to me that accessing key services on foot or by bicycle from the site would thus neither be particularly safe nor appealing, particularly when it is dark. Accordingly, and despite part of the route including a footpath which runs parallel to the highway, the site's situation is not conducive to accessing the development except predominantly by private vehicle.
9. I acknowledge that this may be the case for rural areas in general. Amongst other aspects, the National Planning Policy Framework (Framework) also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this instance, the lack of safe alternative walking and cycling options mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private vehicle – for a significant majority of their journeys and to serve their daily needs.
10. On this basis, the appeal scheme cannot reasonably be described as providing safe, inclusive and convenient access, including to key services, that addresses the needs of all. In coming to this view, I have taken into account the advent of electric cars and bicycles, that the Highway Authority did not object or raise highway safety issues, that additional vehicular use and the associated environmental harm arising from one dwelling would likely be relatively limited, and that the Council's highway consultant considered that the traffic impact of the scheme would not be significant.
11. My attention has been drawn to other decisions for new development in Little Norton. However, based on the evidence before me, it appears that each have different circumstances to this proposal. For example, the new dwelling

adjoining Quinta is located closer to Norton sub Hamdon than the appeal scheme and was determined by the Council under the basis that it did not have a sufficient supply of housing land at that time. The holiday accommodation development put to me involved a change of use and the economic benefits of tourism formed part of the overall considerations in that appeal decision. I have therefore dealt with this appeal on the basis of its particular circumstances and individual merits.

12. Setting out that development in rural settlements will be strictly controlled, SSLP Policy SS2 limits development to, amongst other aspects, that which provides employment opportunities, creates or enhances community facilities and services to serve the settlement and/or meets identified housing need. However, I have little substantive evidence which indicates that the appeal scheme would meet an identified housing need. Given it is for a new dwelling, neither could the development reasonably be described as providing employment opportunities or creating/enhancing community facilities.
13. For the above reasons, I conclude that the proposed development would not be in an appropriate location, having regard to development in rural settlements and access to key services that is safe and addresses the needs of all users. I therefore find that it conflicts with SSLP Policies SS1 (which sets out the Council's settlement strategy), SS2 and TA5.

### *Trees*

14. The site forms part of a grassy field which is bounded by hedges and contains some trees on its boundaries, including a large and prominent mature ash tree. Access to the site would be through the existing field gate, which has sufficient visibility along the highway despite the trees. Given the site's setting and the fields, trees and hedges in the vicinity, the surrounding area has a rural character and a verdant appearance, which the ash tree in particular positively contributes to.
15. The appellant submitted an Arboricultural Impact Assessment & Tree Protection Plan (arboricultural report) and an Arboricultural Method Statement with the appeal. Providing details on the trees and hedges in the vicinity of the proposed development, they set out that the appeal scheme would not require the removal of the ash tree. Suitable construction methods and materials, such as the use of tree protection fencing and ground protection during construction and using a cellular confinement system for surfacing the vehicular access, would also ensure that the roots of the ash tree and other remaining trees would not be harmed by the proposed development.
16. One tree (labelled as T3 in the arboricultural report) is identified as requiring removal in order to allow the access point to be widened. Some hedge would also need to be removed to allow for the installation of new services. However, that tree and the section of hedge are identified by the arboricultural report as low quality category C specimens. T3 is also the smallest of the trees in the vicinity of the proposed development and the section of hedge that would be removed would be relatively short. Furthermore, the arboricultural report indicates that a replacement tree would be provided elsewhere on the site and the hedge would be reinstated with replacement planting.
17. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area, with particular

regard to trees. I therefore find that it accords with SSLP Policies EQ2 and EQ5 which, amongst other aspects, require development to maintain and reinforce the character of the landscape and local distinctiveness. The proposal would also be consistent with the provisions in the Framework in relation to conserving and enhancing the natural environment.

### **Other matters**

18. After the Council's decision on the planning application, Natural England provided advice regarding the effect of development proposals in the district on designated nature conservation sites due to the potential for, in particular, residential development to lead to increases in phosphates and nitrates. This indicates that the appeal proposal may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of designated areas. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
19. During the course of the appeal, the Council completed an assessment of housing land supply, *Five-Year Housing Land Supply Paper* (November 2020). Covering housing supply over the period 2020-2025, the report concludes that there is now a supply of housing land in the district equivalent to 6 years. The Council sets out that this means that the presumption in favour of sustainable development no longer applies to the appeal proposal and that SSLP Policy SS2 now carries significant weight.
20. Paragraph 74 of the Framework sets out how authorities, through either a recently adopted plan or in a subsequent annual position statement produced through engagement with relevant parties and considered by the Secretary of State, can demonstrate a five year supply (with appropriate buffer) of deliverable housing sites. In this instance, the submitted report has not been officially adopted and is currently awaiting public consultation before being formally submitted for examination as part of the Council's on-going local plan review. It has been put to me that the document could therefore be subject to legal challenge and should be disregarded.
21. However, the Planning Practice Guidance indicates that there are also other ways in which authorities can demonstrate a five year housing land supply, including by using the latest available evidence, such as a Strategic Housing Land Availability Assessment, Housing and Economic Land Availability Assessment or an Authority Monitoring Report. In this instance, I note that the report refers to, amongst other aspects, the Housing and Employment Land Availability Assessment and that the sites within it have been identified in conjunction with the development industry.
22. As such, and with limited evidence to indicate otherwise or which question the validity of the report's data and findings, I am satisfied that it provides an up-to-date picture of housing land supply in the district. Accordingly, the approach to decision making set out in paragraph 11d of the Framework and the latter part of SSLP Policy SD1 is now not applicable in this case and I consider that there is no reason, in this instance, why the development plan's policies that are most important for the determination of this appeal should not be accorded very substantial weight.

## **Planning Balance**

23. I recognise that pre-application discussions were positive and the Council's Officers recommended approval of the planning application. I have found that the development would also not harm the character and appearance of the surrounding area with regard to its effect on trees and would therefore comply with SSLP Policies EQ2 and EQ5. However, I have identified that it would not be in an appropriate location, having regard to development in rural settlements and access to key services that is safe and addresses the needs of all users. It would therefore not accord with SSLP Policies SS1, SS2 and TA5. Taking all of this into account, I find that the appeal proposal would be contrary to the development plan as a whole.
24. Although the appeal has been made in outline with matters such as appearance, landscaping and layout reserved for future consideration, the appellant indicates that the proposed dwelling would be constructed out of local natural stone and in the local vernacular-style of architecture, that it would be served by a sustainable drainage system and that further soft landscaping would be provided on the site. There would also be some benefits associated with the proposed development, including the provision of an additional dwelling which it is suggested would effectively be an infill scheme between Keepers Lodge and the holiday development to the east, and it has also been put to me that it would improve the visual appearance of the locality.
25. Be that as it may, the scale of the development indicates that the totality of its benefits would be relatively limited. I also have little substantive evidence that it would meet an identified housing need and, with the evidence before me indicating that the Council now has a sufficient supply of housing land, the appeal scheme is not needed to contribute towards achieving sufficient housing supply in the district. The conflict I have identified with the development plan, to which I accord substantial weight, is therefore not outweighed by these matters and is sufficient for me to find against the proposal.

## **Conclusion**

26. For the above reasons, the appeal is dismissed.

*T Gethin*

INSPECTOR