



## Appeal Decision

Site Visit made on 17 November 2020

**by R E Jones BSc (Hons), DipTP, MRTPI**

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

**Decision date: 14<sup>th</sup> December 2020.**

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**Appeal Ref: APP/R3325/W/20/3256703**

**Land at Combe Street Lane, Yeovil, BA21 3PG**

- 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 John Snell & Julie Tomsett against the decision of South Somerset District Council.
  - The application Ref 19/01901/FUL, dated 21 June 2019, was refused by notice dated 28 January 2020.
  - The development proposed is the erection of 9 No. dwellings along with associated, access, parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's Housing Land Supply position has changed following the determination of the application. It had previously been unable to demonstrate a deliverable 5-year housing land supply, yet following the completion of an assessment for the period 2020-2025, the Council has confirmed that it has a supply equivalent to 6 years. The appellant has been notified of this new position.
3. Following the submission of the appeal, the Council provided representations from Natural England that indicate that increased phosphates and nitrates are affecting the Somerset Levels and Moors Ramsar protected site, and consideration is required on projects that could affect the conservation status of this habitat. I have had regard to this information in my determination.
4. In refusing the application, the Council raised concerns that the scheme was not accompanied with proposals for biodiversity net gain. The appeal has been accompanied by a Biodiversity Enhancement Plan, which the Council would have had sight of and had the opportunity to comment on. I have accepted this information and is considered further below.

### Main Issues

5. The main issues in this appeal are:
  - i) the effect of the proposed development on the character and appearance of the area;

ii) whether the site is a suitable location for housing, with particular regard to the local development strategy, affordable housing provision, proximity to services and reliance on private motor vehicles; and

iii) the effect of the proposed development on biodiversity;

## **Reasons**

### *Character and Appearance*

6. The appeal site comprises part of a large field on the northern edge of the town. The field is covered in rough pasture and is primarily enclosed by thick hedgerow and mature trees. The southern boundary of the field faces Coombe Street Lane, and on the opposite side of the road are large detached dwellings. Further dwellings on the same side of the road as the appeal site are located to its east and set back from the highway. These properties form a row of detached dwellings leading up to the Marsh Lane junction and are partially screened from the road by mature trees and shrubs. More pastureland is predominantly located to the north and west of the appeal site. In this context the appeal site represents an undeveloped gap beyond the built development along the northern side of Coombe Street Lane. Moreover, it provides a clear and legible division between this part of urban Yeovil and the countryside beyond.
7. The appeal site's boundary with Coombe Street Lane has a post and wire fence forming its boundary, while a small number of mature trees extend along the frontage. The open gaps between the trees allow for eye-catching views of the appeal site's undulating topography and its integration with the expansive and attractive rural landscape of hills and the river valley beyond. This outlook, when viewed from Coombe Street Lane, is neatly framed by the taller and thicker vegetation located either side of the site's frontage. Together with the land to the north, the appeal site forms part of a distinctive landscape setting that contributes considerably to the character of the street frontage and this part of northern Yeovil.
8. The appeal site and landscape to the north form part of the 'Yeovil Scarplands' national character area. The national character study of this area has identified that the views across the hills and ridges are valuable in providing the impression of a sparsely settled land, and the open views of this landscape are a prime component of visual character. Furthermore, the appeal site has been assessed in the Yeovil Peripheral Landscape Study as having a moderate to low capacity to accommodate built development.
9. The appeal scheme would be set at a lower land level to the road, yet the proposed dwellings would be visible from Coombe Street Lane and from the properties to the south through gaps in the frontage and the proposed access road. The development of 9 dwellings with associated roads, driveways and engineered works would have a harsh and urbanising impact on this otherwise undeveloped field. The scale and built form of the proposal encroaches unacceptably into this important gap in the street's northern frontage and would adversely harm the pastoral qualities of the appeal site, while having a discordant impact on the rurality of its immediate landscape setting. Consequently, the proposal would have a detrimental impact on the appearance of the area.

10. The proposal would result in the continuation of the built frontage along the northern side of Coombe Street Lane and face the residential properties across the road. However, the appeal site provides one of the few open and undeveloped gaps along this part of the road and contributes to revealing the scale and attractive appearance of the rural hinterland to the north. The proposal would unacceptably enclose this space with built development and harm the contribution the site makes to the foreground of the expansive views of the 'Yeovil Scarplands' landscape character area to the north.
11. Therefore, in concluding on this main issue, the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028), adopted March 2015 (the Local Plan), which amongst other matters requires proposals to conserve and enhance the landscape character of the area, as well as reinforcing local distinctiveness and respecting local context. The proposal would also conflict with the National Planning Policy Framework (paragraph 127), where it requires proposals to be sympathetic to local landscape setting.
12. The Council's refusal reason on landscape and character grounds refers to Policy EQ4 of the Local Plan. I have not referenced this in my conclusion on this main issue, as the policy specifically relates to biodiversity.

#### *Location of Development*

13. The appeal site is located outside but adjacent to the Yeovil development limits as designated by the Local Plan. It is a short distance from bus stops with services to the town centre, while local facilities such as a convenience store, surgery and playing fields are located approximately 400m-600m away. There are existing pedestrian footways and streetlights close to the site's frontage and leading to the local facilities referred to.
14. Local Plan Policy SD1 states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development and seek to secure development that improves the economic, social and environmental conditions of the District.
15. The Council's Settlement Strategy is outlined in Local Plan Policy SS1, and encourages growth and development in Yeovil, Primary Market Towns, Local Market Towns and Rural Centres. Given the site's location outside of Yeovil's development limits it would not relate to those areas where development would be targeted. Therefore, the appeal site would fall into the Rural Settlement category. In these areas there will be a presumption against development unless key sustainability criteria can be met.
16. Policy SS2 of the Local Plan provides specific criteria relating to housing development in Rural Settlements. Amongst other things, proposals will be strictly controlled and limited to those which meet identified housing need, particularly affordable housing. Furthermore, housing proposals should only be permitted in Rural Settlements that have access to two or more key services.
17. Further advice is provided on the provision of affordable housing in Local Plan Policy HG3. This states that in Rural Settlements proposals will be permitted provided that, where it is viable to do so, schemes over 6 dwellings provide 35% affordable housing. This policy was not referred to in the Council's refusal

reasons, nevertheless the Council have submitted it as evidence, whilst referring to it in their officer's report.

18. Whilst paragraph 63 of the Framework explains that an affordable housing contribution should not be sought where the number of open market dwellings is below the thresholds referred to in the Framework, the Council's adopted local plan indicates that the supply and viability evidence shows that a threshold of 6 dwellings would be acceptable in general terms across the district. Therefore, in the absence of any specific evidence that challenges the Council's affordable housing threshold I attach greater weight to the development plan policy.
19. The scheme would not provide affordable housing and there is no evidence before me that the scheme would meet any other identified local housing need. In the absence of this I attach significant weight to the resultant conflict with the requirements of the Local Plan.
20. The appellant considers that a local need has been met, yet this is only insofar as contributing to local housing provision and the District's shortage of housing. However, following the submission of the appeal the Council has confirmed that it now has a 5-year housing land supply. Therefore, in the absence of any specific details of affordable housing provision or evidence on the viability of providing this, little weight has been given to the appellant's argument that a local need has been met.
21. The proposed development would bring some moderate economic benefits from the construction and occupation of the dwellings, as well as support for existing services and facilities. The appeal site's location would be accessible by foot and cycle to at least 2 or more key services and would be in close proximity to local bus services, thus reducing the reliance of future residents on private motor vehicles. Whilst the proposal would require the removal of some existing landscape features, it also provides additional planting and an opportunity to enhance biodiversity, to which I attach modest weight. On these matters, the proposal would accord with aspects of the Local Plan in terms of new housing.
22. Despite these scheme benefits and the development plan compliance, they do not outweigh the significant concerns relating to the lack of affordable housing provision and the resultant conflict with the development plan in that regard.
23. Therefore, in concluding on the second main issue, I have found that the site would not be in a suitable location for housing as it fails to accord with the local development strategy objectives in respect of affordable housing provision. It would be contrary to Policies SD1, SS2 and HG3 of the Local Plan, while failing to accord with the Framework's social objectives in ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (Paragraph 8b)).

#### *Biodiversity*

24. The appeal has been accompanied by an ecological enhancement plan. This was not before the Council when it determined the application, nevertheless I note from the submitted evidence that the appellant's enhancement proposals have taken into account the advice of the Council's ecological adviser. In the absence of any evidence indicating that those proposals are unacceptable, I consider that they would represent reasonable ecological enhancement

opportunities for the proposed development. It would therefore have an acceptable effect on biodiversity and would accord with Policy EQ4 of the Local Plan where it requires proposals to incorporate beneficial biodiversity conservation features.

### **Other Matters**

25. Following the refusal of this application a revised scheme for 6 dwellings was submitted to the Council for determination. The appellant has referred to the positive discussions with the Council on that scheme, however, the outcome of that case is not known and therefore does not weigh in favour of the scheme before me.
26. The Council has provided information on its current housing land supply position, which shows they can now demonstrate a 5-year supply of deliverable housing sites. Consequently, the development plan is not out of date and there would be no requirement to assess the scheme against Paragraph 11 d) of the Framework.
27. Although the appeal questionnaire has not indicated the case, the representations from Natural England suggest that the appeal site is within the influence zone of a Special Protection Area and Ramsar site. However, as I am dismissing the appeal on other grounds and therefore there is no prospect of planning permission being granted, it has not been necessary to consider this matter any further in this case.

### **Conclusion**

28. The proposed development would provide modest ecological enhancements and be in an accessible location that would support the local economy and services. However, these matters amount to moderate benefits that would not outweigh the proposed development's significant harm to the character and appearance of the area and the lack of affordable housing provision, which together conflict with policies in the development plan and the Framework.
29. For the reasons set out above, the appeal is dismissed.

*RE Jones*

INSPECTOR