
Appeal Decision

Site visit made on 20 January 2015

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 26 January 2015

Appeal Ref: APP/R3325/A/14/2217968

Land adjoining 2 Rush Close, Folly Lane, South Cadbury, Yeovil, Somerset BA22 7ES

- 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 Malcolm Davey against the decision of South Somerset District Council.
 - The application Ref 13/03803/OUT, dated 12 September 2013, was refused by notice dated 14 November 2013.
 - The development proposed is the erection of a double storey timber oak framed house for domestic use only.
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Procedural matters

1. Notwithstanding that the description of development states that the proposed dwelling would be two storey and oak framed, the application was made in outline only with all matters reserved. The submitted plans and the description are therefore indicative only. I have assessed this appeal on this basis

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect of the proposal on i) the setting of the Scheduled Ancient Monument, and ii) the character and appearance of the area.

Reasons

4. The appeal site is set on rising land in close proximity to the base of the Scheduled Ancient Monument known as Cadbury Castle hill fort. This monument is of national significance and is a popular destination, given the connections made to it in Arthurian legends.
5. The village of South Cadbury is focussed on an informal crossroads, from which Folly Lane strikes westwards, around the base of the Scheduled Ancient Monument. I stood in the approximate locations of photos taken by the appellant, and other locations on the northerly approaches to the village. From these points the lower slopes of the hill fort, which are in pasture, can be clearly seen. In these views the land rises sharply to the lower and upper earthworks and the distinctive profile of the monument is highly visible. It is a

unique feature seen in a wide area of countryside, only interrupted in the medium distance views by the post war houses along Folly Lane.

6. I also viewed the appeal site from the north ramparts of the upper earthworks, where the appeal site and the adjacent modern houses were highly visible down through the tree canopies, although I accept that summer views would be more screened. These modern houses constitute a visual intrusion into of modern development into the immediate landscape setting of the hill fort. The proposed dwelling would increase this intrusion, which would adversely affect the significance of the monument.
7. The area around the appeal site is deeply rural and dominated, as would be expected, by the hill fort towering above the slopes. Folly Lane is a narrow rural road, which reduces to a track just after the appeal site. It is part of a circular route around the base of the hill fort from which the hill fort is viewed and its scale and significance is appreciated. A dwelling on the appeal site, with its necessary access and hard standing would increase the presence of suburban development along the lane and would harm the distinctive landscape dominated character of the area.
8. The appellant refers to other developments recently approved in the village, which he considers to have affected the setting of the hill fort. He also points out that some of these have been approved outside the development area. However, details of these have not been put before me, and I have assessed this appeal in the light of the specific circumstances relating to the appeal site.
9. I therefore conclude that the proposed development would harm the setting and significance of the Scheduled Ancient Monument, and it would also fail to respect the character and appearance of the area.
10. It would therefore be contrary to the aims of policy ST5 of the adopted South Somerset Local Plan 2006, (the Local Plan), which requires that development conserves the historic heritage of the district and respects the character of the locality. Policy EH11 also requires that development should not have a significant effect on the setting of archaeological remains.
11. These policies accord with similar aims set out in the Framework, in Section 12 *Conserving and enhancing the historic environment* and in paragraph 17, which sets out the *Core planning principles*, amongst which is the principle that development should take into account the different roles and characters of different areas, recognising the intrinsic character and beauty of the countryside.

The planning balance

12. Policy ST3 of the South Somerset Local Plan 2006 states that development will be strictly controlled outside the defined development areas and will be restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. However, the Council does not dispute that a five year supply of housing cannot be identified in the District and I can only give this policy, which would restrict the supply of housing, limited weight.
13. Paragraph 14 of the National Planning Policy Framework (the Framework) states that there should be a presumption in favour of sustainable development. Where the development plan is out of date, as in this case,

- permission should be granted unless any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The Framework, in paragraph 132, requires that great weight is given to the conservation of heritage assets. In this case I have found that the significance of the Scheduled Ancient Monument would be adversely affected by the visual intrusion of built development into its landscape setting.
 15. The appellant suggests that the appeal site is within the curtilage of the existing dwelling, and so he could build structures on it without the need for planning permission. I saw that a number of small scale sheds, chicken coops and polytunnels had been erected, which to my mind are all part of the rural village character of the area. I do not have sufficient information to assess whether the land, which is detached from the main house and separated from it by another dwelling, is within the curtilage of the dwelling and the Council has made no comment on this. Nevertheless, he would only be able to build a single storey structure, with size limits, which was ancillary to the main dwelling. This does not persuade me that a permanent dwelling should be permitted on this plot of land.
 16. Paragraph 134 of the Framework requires me to balance the harm I have identified against any public benefit arising from the proposal. A single dwelling would make a small contribution to the supply of housing. Whilst I note that the appellant wishes to live in the proposed dwelling in order to release his current dwelling for other members of his family, this local connection could not be secured by condition, and there would be nothing to prevent either dwelling being sold on the open market. I therefore give this suggested benefit limited weight.
 17. The small benefit of one additional dwelling would not outweigh the harm caused to the significance of the Scheduled Ancient Monument through the incursion of built development into its setting. The harm I have identified to the open rural character of the area adds to this harm.

Conclusions

18. I therefore conclude that permission should not be granted because the adverse effects of doing so would significantly and demonstrably outweigh the relatively small benefit of one house.
19. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR