



Appeal Decision

Site Visit made on 12 April 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021

Appeal Ref: APP/R3325/W/20/3265313

Land adjacent to England's Mead, Queen Camel, Yeovil BA22 7NW

- 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 John Ryall against the decision of South Somerset District Council.
 - The application Ref 18/03296/FUL, dated 5 October 2018, was refused by notice dated 13 May 2020.
 - The development proposed is 9 dwellings with access and landscape planting provision.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr John Ryall against South Somerset District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the development on the planning application form related to the scheme that was originally submitted to the Council. The proposed number of houses was reduced through the application process, so the scheme that was refused did not match the original description. I have therefore used the description from the appeal form.
4. The Queen Camel Neighbourhood Plan 2019 to 2030 (the Neighbourhood Plan) was approved in a referendum held on 6 May 2021. Therefore, under the terms of Section 3 of the Neighbourhood Planning Act 2017, it became part of the development plan for the area on that date. The Council subsequently agreed to make the Neighbourhood Plan on 3 June 2021. The evidence indicates that the Council issued a decision statement detailing its intention to send the Neighbourhood Plan to referendum on 3 September 2020, but that it was delayed by legislation¹ relating to the Covid 19 pandemic. Under these circumstances, the Planning Practice Guidance advises that Neighbourhood Plans can be given significant weight in decision-making². The parties have, therefore, had the opportunity to comment on the implications of the elevated status of the Neighbourhood Plan following the Council's decision, and on the impending referendum, in their submissions.

¹ Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

² Paragraph: 107 Reference ID: 41-107-20200925

Background and Main Issues

5. At the time the Council determined the application, it was unable to demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, Paragraph 11 d) ii of the National Planning Policy Framework (the Framework) applied to its decision. However, the Council's statement identifies that it can now demonstrate a five-year supply, and this is not disputed by the appellant. Paragraph 11 d) ii of the Framework therefore no longer applies. In these circumstances, the Council contends that the proposal is contrary to development plan policies that govern the location and mix of housing.
6. The reason for refusal on the Council's decision notice had two strands relating, firstly, to the relationship between the development and the existing built form of the settlement, and, secondly, the accessibility of the site to local services. The Council accepts, in its appeal statement, that there is a continuous safe pedestrian access from the site to the services in the centre of the village. Consequently, it is no longer contesting the second element of the reason for refusal.
7. As a result, the main issues in this appeal are:
 - a) Whether the site is suitable for the proposed development, bearing in mind the settlement and housing policies of the development plan; and,
 - b) Whether the siting, scale, layout, and design of the development would be compatible with the existing built form of the settlement.

Reasons

Development plan policies

8. The Council's settlement strategy is set out in Policy SS1 of the South Somerset Local Plan (2006 – 2028) (the Local Plan), which was adopted in 2015. It is based on a hierarchy of settlements, identified because of their current and potential role and function. As a Strategically Significant Town, Yeovil is the prime focus for development. In Market Towns, provision will be made for housing, employment, shopping, and other services that increase their self-containment and enhance their roles as service centres. Lower in the hierarchy, Rural Centres provide for development that meets local housing need, extends local services, and supports economic activity of an appropriate scale. All other settlements are considered to be within open countryside and are identified as Rural Settlements, where national countryside protection policies apply. Queen Camel falls within this category, at the bottom of the hierarchy.
9. Policy SS2 of the Local Plan places strict control over development in Rural Settlements. Proposals for housing development are only permitted in the settlement if it has two or more of the key services that are listed at Paragraph 5.39 of the supporting text. It is not disputed that Queen Camel meets this requirement. However, residential proposals are still limited to those that meet identified housing need, particularly for affordable housing. The policy also requires development to be commensurate with the scale and character of the settlement, increase its sustainability, and have the support of the local community. Consequently, to accord with the overall settlement strategy, new

- housing must be in the village, and should be of an appropriate type, scale, and character.
10. Paragraph 5.44 explains that housing proposals in Rural Settlements should contribute to meeting local need by delivering affordable housing, low cost market housing, or a different form or type of housing which is in limited supply for locals. Furthermore, it will generally be expected that affordable housing is included. No affordable housing is proposed under the appeal scheme.
 11. The Neighbourhood Plan provides an up to date position on housing need in the village. Paragraph 3.2.7 says that the 2017 housing needs assessment identified a clear need for affordable housing, more affordable types of open market housing (such as semi-detached and smaller properties), and a variety of house types to meet the needs of young adults and an ageing population. Policy QC1 makes provision for at least 30 homes in the parish through allocated sites, infill or redevelopment, conversions, and rural exception sites. To provide a wider housing mix, open market housing should provide smaller 2 and 3-bedroom homes, with no more than 20% larger homes. Policy QC2 sets the criteria against which infill development in the village will be assessed, and requires the type and size of housing to be in accordance with Policy QC1.
 12. The appeal site is part of a large open field to the northwest of the village. It borders the housing in Englands Mead on two of its edges, but there is a very distinct demarcation here, between the built form of the settlement, and the countryside beyond. There are no physical barriers enclosing the application site from the rest of the field, so visually it appears as part of the wider countryside surrounding the settlement, rather than as part of the village. Therefore, rather than being housing development in the Rural Settlement, as permitted by Policy SS2 of the Local Plan, the development would be an extension of the village into the open countryside.
 13. Paragraph 3.2.13 of the Neighbourhood Plan defines infill development as "*the development of a relatively small gap between existing buildings within the village, with its main access onto an otherwise built up frontage or on other sites within the village where the site is contiguous with and closely associated with existing buildings*" (my emphasis). Whilst the site is contiguous on two edges with the housing in Englands Mead, it is not, for the reasons given, within the village. Consequently, the development does not fall within the definition of infill, so does not derive support from Policy QC2 of the Neighbourhood Plan.
 14. The development would provide 9 houses, which would contribute towards the quantity of need for the parish identified in the Neighbourhood Plan. I am also mindful that the 30 dwellings provided for by Policy QC1 is a minimum figure, so does not place a ceiling on further development that would otherwise be acceptable. However, the proposal for five 4-bedroomed dwellings, and four 3-bedroomed dwellings, all open-market, would not meet the identified qualitative local need for affordable housing and smaller properties. It is suggested that the fourth bedroom in the 4-bedroomed houses may be used as an office. However, even if this were the case, it would not alter the fact that there would be no smaller 2-bedroomed houses, as required by Policies QC1 and QC2 of the Neighbourhood Plan, and no affordable housing as would be expected by Policy SS2.

15. Policy HG3 of the Local Plan is not referred to in the Council's reason for refusal, but it requires the provision of 35% affordable housing on sites of 6 dwellings or more, or 0.2 Ha (irrespective of the number of dwellings). This Policy pre-dates the Framework and is not consistent with Paragraph 63, which says that provision of affordable housing should not be sought for residential proposals that are not major developments. However, Paragraph 64 says that where major development involving the provision of housing is proposed, at least 10% of the homes should be available for affordable home ownership. The glossary of the Framework defines major development as being where 10 or more homes will be provided, or the site has an area of 0.5 Ha or more. The site has an area of 1.17 Ha so, although the number of dwellings was reduced from 10 to 9 during the application process, the proposal is still major development. Consequently, the lack of any affordable housing within the development would conflict with Policy HG3 and the Framework.
16. It is contended that, as the houses range from 84.5 sq m to 115.2 sq m, they are not large, and would be achievable to those on lower incomes. I have not been provided with any information on local house values or average incomes, but Paragraph 5.26 of the Local Plan notes that rural areas experience higher property prices and corresponding issues with housing affordability related to a low-wage economy. Based on the limited evidence available to me, I would not be able to safely conclude that a new-build detached 4-bedroomed dwelling on the edge of this rural village would be affordable to local people on lower incomes.
17. To conclude on this issue, the appeal site is not within the settlement, and the development would not meet local housing need, due to the lack of affordable housing and smaller dwellings. The proposal would not, therefore, accord with the settlement and housing policies of the development plan. For the reasons given, it would be contrary to Policies SS1, SS2 and HG3 of the Local Plan, and Policies QC1 and QC2 of the Neighbourhood Plan.

Compatibility with existing built form of settlement

18. The development would wrap around the western and northern sides of Englands Mead, so would have a close visual relationship with the built form of this part of the settlement. The dwellings in Englands Mead comprise semi-detached houses running parallel to the road and set back behind enclosed front gardens. They also have long back gardens, giving a spacious feel to the development, and are two-storey in scale, with steeply pitched roofs to the north of the road and mansard roofs to the south. Those on the northern side are traditionally designed with reconstituted stone, brick detailing, plain tiled roofs, and brick chimney stacks.
19. The proposed development would draw on many of these characteristics. The houses would be of similar two-storey scale, would be arranged parallel to the new roads and would be set back from the frontage in straight lines. Plots 1 and 2 would be on a continuation of the building line of 7 – 12 Englands Mead. Although Plots 3 and 4 would be set back from the frontage of 1 – 6 Englands Mead, they would front the new road to the rear, so would not appear discordant. The houses would be of a comparable, traditional design, with similarly proportioned windows and would also have chimney stacks. They would be on generous sized plots, resulting in a similarly spacious character.

20. For these reasons, I conclude that the siting, scale, layout, and design of the development would be compatible with the existing built form of the settlement. The proposal would, therefore, comply with Policy EQ2 of the Local Plan, which seeks to ensure that development is designed to achieve high quality and local distinctiveness, thereby preserving, or enhancing the character and appearance of the district.

Other Matters

21. The application site falls within the catchment area flowing into the Somerset Levels and Moors Special Protection Area and Ramsar site. After the Council made its decision, Natural England raised concerns regarding nutrients entering watercourses in this catchment. The proposed housing would result in an increase in phosphates contained within foul water discharge. As the Ramsar site is in unfavourable condition, any increase, either alone or in combination with other developments, would have a likely significant effect on the protected site.
22. The appellant's own work indicates that an area of 0.373 Ha of constructed wetland would be required to mitigate the impact of phosphates from the development on the protected site. The evidence indicates that no scheme is yet in place for wetland construction into which the development can contribute. In these circumstances the appellant has proposed that a Grampian condition should be attached to any permission, prohibiting occupation of the development until the provision of an avoidance and mitigation package has been secured.
23. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that, where there is a likelihood of significant effects, or there is uncertainty, a competent authority should fully assess the implications of the proposal through an appropriate assessment (AA). Natural England would then have to be consulted on the findings of the AA. However, as I am dismissing the appeal, it is not necessary for me to consider the proposal any further in respect of the Habitats Regulations.

Planning Balance

24. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. The development would provide nine houses, which would assist with this aim, and would be a benefit of the proposal. However, as I have found that the site does not lie within the settlement, this benefit does not attract the great weight applied by Paragraph 68 of the Framework. Furthermore, the weight I attach to this benefit is significantly reduced because the size and type of dwellings, and their lack of affordability, would not meet the identified local housing need.
25. There would be economic benefits associated with the construction phase of the development, and also through the future spend by occupants that would support local services and businesses. These benefits attract moderate weight in my decision.
26. The proposal includes the provision of a parking area dedicated for use by the occupants of the existing houses in Englands Mead. However, I saw that some of the houses in Englands Mead have off-street parking, and there is also unrestricted on-street parking. As a result, there is little evidence of a

significant parking issue in the cul de sac. Consequently, the additional parking would be of little benefit and therefore does not attract significant weight in my decision.

27. The Framework makes it clear at Paragraph 12, that the presumption in favour of sustainable development does not change the statutory status of the development plan, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. I have found that the proposal would conflict with the settlement and housing policies of the development plan. There are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR