

Appeal Decision

Site visit made on 5 October 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 10 November 2015

Appeal Ref: APP/R3325/W/15/3011490

The Oaks, Sandpits Hill, Curry Rivel, Langport, Somerset TA10 0NG

- 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 David Elphick against the decision of South Somerset District Council.
 - The application Ref 14/05005/OUT, dated 30 October 2014, was refused by notice dated 5 January 2015.
 - The development proposed is *Outline planning application* for a single storey two bedroom dwelling with a separate detached garage with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the application was refused planning permission, the Council has adopted the South Somerset Local Plan 2006-2028 (LP) which has replaced the former Local Plan. As such there is now a suite of new policies relevant to the determination of this appeal. The appellant is aware of the policy changes and has had the opportunity to comment on them. Moreover, the changes have been brought to attention during the appeal process and the thrusts of the new policies are much the same as previous policies. As such I am satisfied that no party has been prejudiced by these policy alterations.
3. The Council's settlement strategy contained within policies SS1 and SS2 from the LP would ordinarily rule out development in the countryside such as where the appeal site is located. However, these policies are clearly relevant to the supply of housing and, given the Council's acceptance that it cannot demonstrate a five year supply of housing sites, in the context of the National Planning Policy Framework (the Framework), they are out of date.

Main Issues

4. In view of the above, the main issues are: firstly, whether any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; and, secondly, whether the scheme should contribute towards the provision of affordable housing in the district.

Reasons

Sustainable Development

5. The appeal site comprises a former orchard lying adjacent to the appellant's property and the neighbouring bungalow and garden of Pippins. Its rear boundary backs onto Hylands that fronts onto the A378. The two other boundaries back onto farmland. The property forms part of a grouping of some nineteen properties between Curry Rivel and Langport. As such, the appeal scheme would clearly not be an isolated dwelling. Curry Rivel has a good range of community and service facilities. Certainly, this village already contains a number of services that the Council considers key to allowing new housing development within Rural Settlements where appropriate. Although there is some distance between the outer built up area of Curry Rivel and the appeal site, it does lie within reasonable walking distance to Curry Rivel (roughly 800 metres, which is seen as an acceptable distance to walk in Manual for Streets) and there is a bus route that connects with the larger settlement and Market Town of Langport. The appeal site is therefore not in an unsustainable location.
6. Although the Council suggests that the development would constitute undesirable backland development, the site relates well to the existing built form and would not represent significant encroachment into the surrounding countryside. Also it is well screened from the public footpath and surrounding farmland; the low form of development proposed would sit comfortably alongside the existing built form and would not harm the character or appearance of the area.
7. Albeit only one dwelling, the appeal scheme would see the site coming forward in the right place at the right time in line with the economic role of sustainable development and the Government's aim of boosting significantly the supply of housing. In view of this and my findings above, the proposal would be sustainable development and the benefits of that would not be significantly and demonstrably outweighed by any adverse impacts. Moreover, given the site's discreet location, the development would comply with LP Policy EQ2 which requires development to reflect local distinctiveness and preserve or enhance the character and appearance of the area.

Affordable Housing

8. Notwithstanding my findings above, the ability of an otherwise acceptable housing development proposal to contribute towards delivering the Council's housing need including, affordable housing, would constitute a significant benefit in terms of paragraph 14 of the Framework. Policy HG4 from the LP legitimately seeks appropriate levels of contributions from sites such as this towards affordable housing in the district. The mechanism to secure this is an obligation under S106 of the 1990 Act. In the absence of this, which is necessary to make the development acceptable in planning terms, the scheme is in conflict with the affordable housing aims of LP policy HG4.

Other matters

9. The family need for the new dwelling is noted. However, in view of the fact that development of the site would be acceptable in principle, this background

has only a neutral effect in the overall planning balance and so it does not sway my findings one way or the other.

10. My attention was drawn to the possibility of problems arising from surface water run-off from the existing unmade lane. However, no evidence has been presented to demonstrate that problems of this nature are bound to occur; moreover it is noted that the Council's planning case officer did not express any concern. I am not persuaded that this is a matter that would prevent development occurring at the appeal site.
11. The issue of whether the permitting of this development would establish a precedent whereby other proposals would follow was also raised by local residents. However, given the specific characteristics of the appeal site and its particular form, this is not an issue that would prevent an acceptable form of development taking place at this location.

Conclusion

12. Notwithstanding my positive finding about the sustainable form of development, the conflict with the affordable housing aims of LP policy HG4 is the prevailing consideration. Thus, having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR