
Appeal Decision

Site visit made on 15 December 2015

by Joanne Jones BSc MA MRTPI

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

Decision date: 3 February 2016

Appeal Ref: APP/R3325/W/15/3129072

2 Lower Orchard, Barrington, Ilminster, Somerset TA19 0QZ

- 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 and Mrs A Turner against the decision of South Somerset District Council.
 - The application Ref 15/01058/OUT, dated 20 February 2015, was refused by notice dated 5 June 2015.
 - The development proposed is an outline application for the erection of one detached dwelling and garage and the formation of access from Lower Orchard etc.
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Decision

1. The decision is dismissed.

Procedural Matter

2. The application was made in outline, with the exception of the means of access. Accordingly, all matters of details relating to appearance, landscaping, layout and scale have been reserved for subsequent consideration. I have dealt with the appeal on that basis.
3. During the course of the appeal a planning obligation in the form of a Unilateral Undertaking (UU) was submitted by the appellant. I deal with this in 'Other Matters' below.

Main Issue

4. The National Planning Policy Framework (the Framework) states, at paragraph 47, that local planning authorities should "*boost significantly the supply of housing*" and to identify sites sufficient to supply 5 years worth of housing against their housing requirements. Paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.
 5. The Council state, for the purposes of this appeal, that they cannot demonstrate a five year supply of deliverable sites. Therefore paragraph 14 of the Framework requires that "*where the development plan is absent silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole*".
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6. Therefore, from all that I have seen and read the main issue in this case is whether the proposed development would accord with national and local policies regarding sustainable development.

Reasons

Planning policy

7. The Framework does not remove the requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the South Somerset Local Plan 2006 – 2028 (Local Plan).
8. However, Local Plan Policy SS2, referred to by the Council in its reasons for refusal, deals with different types of development, including the supply of housing. As noted above, the Council cannot demonstrate a five year supply of deliverable housing sites. Accordingly, the housing supply provisions of Local Plan Policy SS2 cannot be considered up-to-date.
9. Other Local Plan Policies referred to by the Council in its Decision Notice include SD1, SS1, EQ2 and EQ3. These relate to sustainable development, guiding new development to locations that support mixed and sustainable communities, that all developments will be designed to achieve a high quality which promotes South Somerset's local distinctiveness and conserves and, where appropriate, enhances heritage assets. These policies broadly accord with the relevant Framework provisions and are therefore afforded significant weight in this decision.

Sustainable development

10. At the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
11. The services and facilities identified in evidence as being available in the village include: a Church; recreation area; pub; farm shop; bus stop; and village hall. The neighbouring village of Shepton Beauchamp, approximately 2km from the appeal site, contains a primary school, playgroup, post office, pub and shop. However, the nearest towns, which would supply a wider range of services are Ilminster and South Petherton, some 14km and 19km respectively from the appeal site.

Economic role

12. In terms of its economic role, in creating one additional dwelling the proposal would have a very limited impact in addressing the housing shortage. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. Whilst I acknowledge that the construction of one dwelling would have some economic benefit, the contribution it would make to

building a strong, responsive and competitive economy would be extremely limited.

13. I have no evidence that the proposed development would result in any adverse economic impacts and I conclude that, for this dimension of sustainable development, the balance must clearly be in its favour.

Social role

14. The principal social benefit of the proposed development would be the provision of an additional house in an area where the on-going Local Plan process has demonstrated that there is an, as yet unresolved, shortage of provision. In the light of the Framework's priority to '*...boost significantly the supply of housing...*', the additional dwelling to be provided must carry substantial weight in my decision.
15. There is also the appellants' commitment, reflected in the signed and dated UU, that a contribution would be made towards affordable housings. Substantial weight must be given to this aspect of the development.
16. Nevertheless, Barrington has very limited facilities and services and the range available within the nearby villages is also restricted. I accept that future occupiers of the proposed dwellings would help support local essential services, although I anticipate the significance in enhancing or maintaining the vitality of rural communities would be limited.
17. In addition to there being limited services and facilities in the locality, the distance of the appeal site from essential services is sufficient to suggest that some form of transport would be required for future occupants to access them. Whilst I am unsure from the evidence that these services could be accessed by public transport, the public transport timetable is limited and I consider that private transport would mainly be relied on. This would be in contrast to the Framework, which states in paragraph 34, that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised.
18. In reaching this conclusion I acknowledge the appellants' comments that additional dwellings could provide an incentive for increased bus services. Nevertheless, whilst future development may improve bus services, that is not assured and does not form part of the appeal proposal or the S106 obligation before me. This matter therefore attracts little weight.
19. The balance within the social dimension of sustainable development may not be as overwhelmingly clear-cut as with the economic dimension of the proposal, but given the substantial weight I must afford to the provision of an additional dwelling and the contribution towards affordable housing, it remains moderately positive.

Environmental role

(i) Character and appearance

20. Historic development within Barrington has grown up along the roads in a linear manner. Some more recent developments including Lower Orchard itself have a more compact, self-contained form. Nevertheless, these do not provide any overriding character and are limited in their impact.

21. Lower Orchard is a cul-de-sac which provides access to 7 individually designed detached and semi-detached dwellings set in spacious well vegetated plots. The trees, hedgerows and verges, in the locality contribute to the area's verdant character. The appeal site is part of the large rear garden of the semi-detached house at 2 Lower Orchard which occupies a corner position. As I saw on my site visit the garden currently has some structures on it and provides a pleasant space adjoining the rural landscape. To the north of the appeal site, is a Public Right of Way (PRoW) and an orchard, located at a lower level than the garden, but separated from it by mature boundary vegetation. Beyond that the countryside is largely unspoilt. The development of this site would not involve the loss of agricultural land but the rear gardens to dwellings on the northern side of Orchard Way provide an area of transition between the concentrated development within the village and the rural landscape beyond.
22. In order to accommodate the dwelling proposed, the building would sit to the rear of the dwellings along Lower Orchard. This would be at odds with the general street scene and would be uncharacteristic of the general form and pattern of the area. Furthermore, although illustrative, the drawings show that the footprint of the proposed dwelling would be significantly larger than the host property and those located close by. Whilst I note the proposed dwelling would not appear as a cramped form of development, given the role that the appeal site has in contributing to the area's verdant character and as an area of transition, the proposal would have a detrimental impact on it. I acknowledge that the proposal would be difficult to see from the centre of the village, however it would be obvious from adjoining dwellings, from Lower Orchard, from the footpath to the rear of the site, from Bakers Lane and the track at its northern end.
23. The appellant's Design and Access Statement comments that the "*design philosophy and material treatment should blend well in the surrounding landscape and adjoining homes and will complement and enhance the area*". I also note the appellant's desire to construct an environmentally friendly building. However, these factors do not outweigh the harm that I have identified.
24. I also note the appellants' comments in relation to the Strategic Housing Land Availability Assessment (SHLAA). In this respect, without evidence to the contrary, I concur with the findings of my colleague¹ who stated that "*In 2013 the Council considered the site as suitable for development with respects to the SHLAA. The purpose of the SHLAA is in order to assess broad locations within the housing market area and forms part of the evidence base for the Local Plan. Current planning guidance confirms that this should be an audit of available land. Whilst this helps to show that the development of this site is deliverable which is important where there is a shortfall of housing land, it is not a planning policy document.*"
25. Accordingly, the proposed development would significantly harm the character and appearance of the surrounding area. As a result there would be a conflict with Local Plan Policy EQ2 and guidance within the Framework. The thrust of which is that planning should take account of the different roles and character of different areas.

¹ Appeal ref APP/R3325/A/14/2225359

(ii) Heritage assets

26. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 129 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
27. Barrington Conservation Area (the Conservation Area) covers the central core of the village. Its significance is derived from the close knit historic form of development, with glimpses through to the surrounding countryside, establishing a clear historic link with it. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal appearance which is reinforced by the network of narrow lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries.
28. The appeal site lies approximately 50m to the north of the Conservation Area. However views into and from the Conservation Area are restricted by existing properties and associated boundaries. Therefore, whilst I acknowledge that considerable importance and weight should be given to the protection of heritage assets, I do not consider that the proposed dwelling would impinge upon views into or out of the Conservation Area and I am satisfied that the setting of the Conservation Area would be preserved.
29. As such, there would be no conflict with Local Plan Policy EQ3 in respect of heritage assets, nor would the proposal be contrary to guidance in paragraph 17 of the Framework which identifies as a core planning principle the need to conserve heritage assets in a manner appropriate to their significance.
30. To conclude on the environmental dimension of sustainability, although the dwelling could be constructed to a high standard, I consider that the proposal would have a harmful effect upon the character and appearance of the surrounding area, in a sensitive location where the village adjoins the countryside. Even though this would not affect the immediate setting of the Conservation Area, it would impact upon the rural setting of the village. This would cause significant and demonstrable harm with respects to the environmental role of sustainability.

Other matters

31. The appellant has submitted a planning obligation (dated 1st January 2016), pursuant to S106 of the Town and Country Planning Act 1990. The obligation secures contributions towards affordable housing and accords with the provisions of Local Plan Policy HG4. It is also compliant with the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. I have therefore taken it into account in determining the appeal.
32. I note the letters of support received from several local businesses and that the development would meet a need for housing suitable for the 'over 60's'. However, I have not been provided with a mechanism to secure such tenure

and in any event these factors would not overcome the harm that I have identified.

33. My attention has been drawn to two previous appeal decisions at this site². However, these decisions were based on information, provided at that time. In the most recent decision (2225359) the appeal was for four houses and garages, which is materially different to the situation now before me. I also note the recent findings of the Inspector who dismissed an appeal in Langport³, nevertheless, no two schemes are the same and in any event I have determined this appeal on its own merits. These other decisions do not set a precedent that I must follow.

Planning Balance and Conclusion

34. There are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 1 dwelling must carry substantial weight in its favour, as must the contribution towards affordable housing secured through the UU.
35. There would also be additional smaller benefits including the economic benefits to Barrington in terms of additional revenue for services. I consider that these should be accorded limited weight.
36. Weighed against the benefits of the proposal I have found that future occupiers would be highly dependant on the use of private motor vehicles to access day to day needs and there would be significant harm to the character and appearance of the area. As a consequence I do not consider that the proposed development can be regarded as sustainable.
37. Furthermore, the proposed development would be contrary to the development plan. Notwithstanding the benefits of the proposal and having had regard to all matters before me, I find nothing to outweigh the development plan conflict.
38. I therefore conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

² Appeal ref APP/R3325/A/14/2225359 and APP/R3323/A/10/2142112

³ Appeal ref APP/R3325/A/15/3011490