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# Appeal Decision

Site visit made on 1 February 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 10 March 2016**

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**Appeal Ref: APP/R3325/W/15/3136475**

**Land opposite Hamlyn's Farm, Long Load, Langport, Somerset TA10 9JJ**

- 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 DW and NRE Walters against the decision of South Somerset District Council.
  - The application Ref 15/03025/OUT, dated 29 June 2015, was refused by notice dated 7 August 2015.
  - The development proposed is demolition of dilapidated farm buildings and erection of 2 no. detached and 2 no. semi-detached dwellings on land opposite Hamlyn's Farm.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application was submitted in outline and the application form makes it clear that approval was being sought for access, landscaping, layout and scale only. The appearance of the new dwellings is reserved at this stage. I have treated the appearance of the dwellings shown on Drg No: F1226-100b as indicative only. It is on this basis that I have determined the appeal.
3. Although not referred to within its decision notice, the Council has indicated within its evidence that, in accordance with Policy HG3 of the South Somerset Local Plan (2006-2028) (Local Plan), a contribution towards affordable housing provision is necessary.
4. During the course of the appeal, the appellants submitted a completed unilateral undertaking (UU) dated 19 February 2016 which contains certain obligations. The UU is discussed later in my Decision.

## Main Issues

5. The main issues in this case are:
    - whether new dwellings in this location would be consistent with the principles of sustainable development, as established by the National Planning Policy Framework (the Framework) and the development plan, and
    - the effect of the proposal upon the setting of nearby listed buildings.
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## Reasons

### *Sustainable development*

6. Long Load is identified as a Rural Settlement within the Local Plan. Policy SS1 of the Local Plan states that Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply. Within Rural Settlements Policy SS2 seeks to strictly control and limit new development. An exception to this includes development that meets an identified housing need, particularly for affordable housing. Where new housing is proposed, the policy requires the scheme to have the support of the local community. Furthermore, new housing development should have access to two or more key services. The services are identified in paragraph 5.39 of the Local Plan and include local shops, community halls, pubs, health and social care facilities, recreation, faith and education facilities.
7. Although both parties accept that there is a general housing need in the District as a result of the Council being unable to identify a five-year supply of deliverable housing sites, I have not been provided with substantive evidence that there is an identified housing need for either market or affordable housing in the Rural Settlement of Long Load. Furthermore, I have not been provided with evidence that the local community support the scheme. Indeed, I note that the Parish Council and an interested party objected to the planning application. I therefore find that in the absence of substantive evidence to demonstrate otherwise, the proposal conflicts with the objectives of Policy SS2 of the Local Plan.
8. However, in the absence of a five-year supply of deliverable housing sites, paragraph 49 of the Framework states that the policies in the Local Plan for the supply of housing (in this case Policies SS1 and SS2, in so far as they relate to housing provision) are considered to be out-of date. I therefore attach limited weight to the housing provision objectives of these policies in my overall Decision. Paragraph 14 of the Framework states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or where specific policies of the Framework indicate development should be restricted.
9. The Framework at paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 of the Framework establishes that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
10. The economic role of sustainability includes contributing to building a strong, responsive and competitive economy. There would clearly be economic benefits during the construction phase of the development.
11. The provision of new housing upon the site, including a pair of semi-detached properties in response to concerns raised in respect of an earlier application, in a District where there is an identified shortfall, and the provision of one unit of

affordable housing carries significant weight in favour of the proposal. These matters would make an important contribution to the social role of sustainability. The social role of sustainability also includes the creation of a high quality built environment. The Council has raised concern about the appearance of the new dwellings. However, whilst noting this concern, this matter is not before me as it is reserved for future consideration.

12. A further aspect of the social role of sustainability is accessible local services. There is no dispute between the parties that Long Load has limited services and facilities. Reference is made to a village hall which is located a short distance from the appeal site, and the Long Sutton Golf Club, which has a bar, restaurant and a number of conference and function rooms. The village hall could be easily walked to from the appeal site. However the golf club is some distance from it, and given the local road conditions between the appeal site and this venue, with no pavement or street lighting, I am not convinced that walking to it would prove attractive to most people. As such I consider that there would be a high dependency on the private car to access the services offered at this venue.
13. Long Sutton has a wider range of services and facilities including a shop, post office, public houses/hotels, a primary school and a number of small businesses. This village is not a significant distance from the appeal site, and it is reasonable to assume that the intended future occupiers of the new dwellings would support these services. This would accord with the objectives of the Framework relating to support of local services in paragraph 55. However, these services would be accessed along an unlit road with no pavements or cycleway. The road between the appeal site and Long Sutton is undulating. Having regard to the road conditions, it is unlikely that the intended future occupiers of the new dwellings would find walking or cycling to this village convenient or attractive. The appellants have referred me to a bus service (652) which serves the village. However, the submitted timetable indicates that there is only a very limited service with an early morning or late afternoon bus serving the village. There is with no service provided at the weekend.
14. In light of the foregoing, I consider that future occupiers of the new dwellings would have a high dependency on the private car to access even day to day services and facilities. Once in the car, it is reasonable to assume that there would be the temptation to travel further afield to access a wider range of services in larger towns and villages. For those members of the community that did not have access to a private car, these services and facilities would not be accessible. Accordingly there would be conflict with the social role of sustainability. There would also be conflict with the environmental role of sustainability which seeks to, amongst other matters, move to a low carbon economy.
15. The environmental role of sustainability includes contributing to protecting our natural, built and historic environment. Policy EQ2 of the Local Plan requires, amongst other things for development to achieve a high quality of design which promotes local distinctiveness and preserves or enhances the character and appearance of the District. This Policy broadly accords with the Framework's core planning principles relating to high quality design and the account to be given to the different roles and character of different areas and the conservation and enhancement of the natural environment.

16. Long Load is an attractive linear village, surrounded by open farmland, with a mix of traditional and modern development. This is recognised in the Long Load Village Design Statement 2001. A characteristic of the area is dwellings located close to the road, creating a sense of enclosure. The appeal scheme would extend the linear development of this part of the village into an area of largely undeveloped land (with the exception of a couple of modest agricultural buildings) on the eastern side of the road. The new dwellings would be set significantly back from the road behind a shared access and new landscaping across the frontage of the site, such that their siting would be at odds with the established character of the village.
17. The proposal also includes a detached garage to the front of plot 4 which would be prominent in the street scene. Garages to the front of dwellings are not a feature of the area, and as such I find that the garage would be an alien form of development which would be harmful to the character and appearance of the streetscene.
18. Furthermore, whilst the site would not extend beyond the garden areas of neighbouring properties at Milton Leaze, it would extend into an open, undeveloped field. The proposed close boarded fence would introduce an urban edge to this rural setting. I therefore find that the scheme would result in a visual intrusion into the wider landscape, which would be harmful to the rural character and appearance of the area.
19. Given these matters, I consider that the proposal would fail to promote local distinctiveness, or preserve or enhance the character and appearance of the area. This would be in conflict with the objectives of Policy EQ2 of the Local Plan and the environmental role of sustainability.
20. I have found that the scheme would have some economic and social benefits including the provision of jobs during the construction phase, the support of services and facilities in the neighbouring village, and the contribution that would be made to both market and affordable housing. However, I have also found that there would be conflict with the social and environmental roles of sustainability, because of the site's location remote from even basic day to day services and the heavy reliance on the private car that would result. Harm would also be caused to the character and appearance of the area.
21. Given that the Framework states that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent (paragraph 8), I conclude that the appeal proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour. The proposal would therefore conflict with the sustainability objectives of Policy SD1 of the Local Plan.
22. In reaching this conclusion, I have had regard to a number of appeal decisions<sup>1</sup> that the appellants have referred me to. Whilst the main issue of the cases are similar to the scheme before me, they are located in different villages to the appeal proposal. Furthermore, I have not been provided with detailed drawings of the schemes referred to and I am unable to ascertain whether they are directly comparable to that before me. I am therefore only able to attach limited weight to this matter in my overall Decision. In any event, each

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<sup>1</sup> Refs: APP/R3325/A/14/2220744; APP/R3325/W/15/3100543 and APP/R3325/W/15/301532

planning application and appeal should be determined on its individual merits and this is the approach that I have taken in this appeal.

*Effect on listed buildings in area*

23. The appeal site is located on the opposite side of the road to a group of grade II listed buildings. These are Hamlyn's Farmhouse, a detached, extended 17<sup>th</sup> Century farmhouse with a thatched roof; The Cider House attached to the west of Hamlyn's Farmhouse; the Stables and Haybarn located to the south of the farmhouse and a Cattle Shelter to the south west of the farmhouse.
24. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
25. National policy on heritage assets, which includes listed buildings, is set out in the Framework. Paragraph 131 advises that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 advises that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
26. Policy EQ3 of the Local Plan states that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. All new development will be expected to, amongst other matters safeguard or enhance the setting of heritage assets.
27. The appellants assert that the enclosed part of the appeal site originally served as the garden to the farmhouse. This is not disputed by the Council. Although the former garden is now overgrown, it is clear that it has a historic connection to the listed buildings on the opposite side of the road. From my observations, I consider that this area of former garden, and the adjoining agricultural land forms part of the setting of the Farmhouse and adjoining buildings.
28. The development of the appeal site with housing would clearly alter the character of the appeal site. I find that this loss of openness would have an adverse effect upon the setting of the heritage assets identified. The appeal scheme would not preserve or enhance the setting of the listed buildings at Hamlyn's Farm, which would be in conflict with the objectives of Policy EQ3 of the Local Plan.
29. The appellants have drawn my attention to a planning permission which was granted on part of the site for 2 agricultural buildings. This was granted in 2005 and appears to have expired. Furthermore, the buildings were of an agricultural design, located further away from the listed buildings than the appeal scheme. They were considered to be acceptable in terms of their impact on the character and appearance of the area by the Council. The

nature of this development is not therefore directly comparable to the scheme before me. Accordingly, I attach limited weight to this matter in my overall Decision.

30. My attention has also been drawn to other developments within the village, in close proximity to other listed buildings. Whilst I noted the relationship of developments in the area to listed buildings on my site visit, I have not been provided with the individual circumstances of those schemes. I am therefore unable to ascertain if the issues raised were directly comparable to that before me. The presence of other schemes in the area does not, in any event, justify development that has been found to be harmful to important heritage assets. I therefore attach limited weight to this matter.
31. I find that the harm that I have identified to heritage assets would be less than substantial. In accordance with paragraph 134 of the Framework, this harm should be weighed against the public benefit of the proposal. The proposal would make a contribution, albeit small to the delivery of new housing, including affordable housing, in an area where there is an identified shortfall. Jobs would be provided during the construction phase, and there would be some social benefits as described earlier in my Decision. However, these benefits would be so regardless of where the new dwellings were built. I therefore find that the benefits associated with the proposal would neither individually nor cumulatively outweigh the harm that would be caused to heritage assets. The proposal therefore conflicts with the Framework in respect of this matter.

## **Other Matters**

### *Unilateral undertaking*

32. Paragraph 204 of the Framework advises that planning obligations should only be sought where they meet all of the following tests: that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Policy HG3 of the Local Plan requires an element of affordable housing to be provided on sites of 0.2 hectares. The appellants have made reference to Policy HG4 of the Local Plan, however although the scheme is for a small number of dwellings, I find that Policy HG3 is the relevant policy for the delivery of affordable housing in this case given the site area. It is on this basis that I have determined this matter.
33. The appeal site is 0.24 hectares and accordingly, affordable housing should be provided in accordance with Policy HG3. The submitted UU would make provision for 1 of the dwellings on the site to be affordable. This would be below the target of 35% as set out in the policy. However, the Council has indicated that it is satisfied that this provision is acceptable. I have no evidence before me to reach a different view to the Council regarding this matter. The provision of affordable housing upon the site is reasonable and necessary and I find that the tests set out within the Framework are met.

## **Conclusion**

34. The appeal scheme would make a contribution, albeit limited to the supply of deliverable housing sites in a District where there is an identified shortfall. It would also make provision for 1 of the units to be affordable. The proposal

would therefore make a contribution to the Government's objective of boosting significantly the supply of housing. There would be other benefits of the appeal scheme as explained earlier in this Decision. However, for the reasons given, I have found that the proposal would be harmful to the setting of heritage assets, would result in harm to the character and appearance of the area and there would be a heavy reliance on the private car. The harm identified would significantly and demonstrably outweigh the benefits of the scheme. The proposal would not therefore result in sustainable development for which the Framework indicates there is a presumption in favour.

35. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR