
Appeal Decision

Site visit made on 28 May 2014

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 18 June 2014

Appeal Ref: APP/R3325/A/14/2215379

Land at Barton Road, Keinton Mandeville, Somerton TA11 6EA

- 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 & Mrs Keith Budd against the decision of South Somerset District Council.
 - The application Ref 13/04143/OUT, dated 10 October 2013, was refused by notice dated 24 January 2014.
 - The development proposed is the residential development of the land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only consideration of means of access at this stage. All other matters have been reserved. I have dealt with the appeal on that basis, considering only the access details on a drawing showing a proposed site layout (drawing number 1389/01). All the other information shown on this drawing I have treated as illustrative.
3. The Government's Planning Practice Guidance (the Guidance) was published on the 6 March 2014. I have taken into account the Guidance in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed residential development on the character and appearance of the surrounding area; and whether the proposal makes adequate provision for recreation facilities.

Reasons

Character and Appearance

5. The appeal site is part of a larger agricultural field that borders Barton Road. It is currently laid to pasture, with a few isolated trees within it. Along the road boundary is a mature hedge. To the south of the site and opposite it there are a number of detached houses and bungalows of a variety of ages and styles. To the north of the appeal site is agricultural land. There are a few scattered houses along the road before reaching the village of Barton St David.

6. Keinton Mandeville is a large village, branching along the road network from its central core around the B3153 and Queen Street. There are a number of facilities and services within the village, including a shop, primary school, public house, community hall and recreation ground.
7. The existing houses and bungalows in the area occupy a variety of width of plots and form two continuous lines of properties that front the road behind gardens of varying depths. The accesses to the properties are of varied forms and positioning.
8. Matters of appearance, scale, layout and landscaping of the proposed dwellings are reserved. However, the appellant has specified six houses would be provided, with a combination of individual and paired accesses to them. The length and depth of the site would allow the extension of development that exists along the road, whilst the proposed accesses would reflect the varied pattern that occurs. The proposed housing would, therefore, maintain the essentially linear development form of the village that extends along the road network from its central core.
9. I note the concerns of local residents that the proposed houses would exacerbate traffic congestion and parking problems along a busy, fast road that has no pavements. However, a pavement would be a reserved matters consideration, and in the absence of any technical evidence to support the concerns of the residents, and noting the absence of objection from the highway authority, I am not persuaded that there would be an unacceptable impact on highway safety within the area.
10. Local residents are concerned that some of the six dwellings may be semi-detached. Although a reserved matter, there are a variety of property styles and ages along Barton Road, and the provision of semi-detached properties would not necessarily harm the varied character and appearance that already exists in the area.
11. I acknowledge that the open agricultural character of the site provides views of the countryside for many of the properties along Barton Road and that it forms a distinct edge to the village, marking a transition between it and the surrounding countryside. However, immediately opposite the site is a continuous frontage of houses that extends further north than those proposed. As such the proposed development would form a continuation of the existing pattern of development that exists along the road, and would not bring development any closer to the nearby village of Barton St David than already occurs.
12. The Council do not have a five year housing supply. In light of paragraph 49 of the National Planning Policy Framework (the Framework), this significantly tempers the weight that can be attached to Policy ST3 of the South Somerset Local Plan (2006) (LP) and the development limit that it has set for Keinton Mandeville.
13. In cases where the Council cannot demonstrate a five year housing land supply, their policies for the supply of housing should not be considered up to date. The Framework sets out a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this particular instance the proposed dwellings would be in a sustainable location, with a number of services and

facilities available in the village that would be accessible to their occupiers. Although the dwellings would generate additional trips by private car, the limited environmental consequences of the encroachment of the development boundary would be far outweighed by the provision of much needed additional dwellings in a sustainable location, as required by the Framework.

14. I therefore find that in this particular instance, the proposed dwellings would not harm the character and appearance of the surrounding area. They would be in accordance with the provisions of LP Policies EC3, ST5, and ST6, that amongst other things, and like objectives of the Framework and Guidance, set out a presumption in favour of sustainable development that respects the local character and distinctiveness of an area. Moreover, for the reasons I have already explained, I find sound grounds for departing from LP Policy ST3 and encroaching beyond the prescribed development boundary in this particular case.

Financial Contributions

15. The Council has identified a significant shortfall in the provision of recreation facilities in its area, and under the requirements of LP Policies CR2, CR3, ST5, and ST10, financial contributions are required for the provision and maintenance of off-site outdoor play space, sport and recreation facilities, and theatres and art centres. Notwithstanding this requirement, I have not been provided with a completed planning obligation by the appellant.
16. Based on the proposed development providing six dwellings, the Council has demonstrated that contributions would be required for enhancing the equipped play space and changing rooms of the village's playing field, whilst a further contribution would be required for enhancing the community hall. Contributions are also required for the provision of sports facilities in a nearby village which serves a more strategic role, and the enhancement and expansion of the theatre in Yeovil.
17. From the evidence provided by the Council, they have detailed and justified the need for the contributions in relation to the requirements of the statutory tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010. I am satisfied that a need for these requirements would arise from the proposed development. They are in accordance with the requirements of paragraph 204 of the Framework that requires an obligation to make the development acceptable in planning terms, be directly related to the development, and to be fairly and reasonably related to it in scale and kind.
18. I therefore find that a financial contribution is required for the provision of recreation facilities. Consequently, the absence of an agreement making such provision would be contrary to the requirements of LP Policies CR2, CR3, ST5, and ST10. As this is a matter that can only be addressed by the submission of an executed obligation from the appellant, it follows that I cannot grant planning permission for the proposed development.

Other Matters

19. The Council referred to the provisions of the Keinton Mandeville Local Community Plan in their decision notice. However, I have not been provided with details of its status, and have therefore given the document limited weight in my consideration of the appeal.

20. The occupiers of the property to the south of the appeal site are concerned that it would lead to a loss of privacy. However, between the site and this property would be a field access. Details of the layout and design of the housing would be reserved matters, and this, and the separation between the existing and proposed dwellings would be sufficient to protect the living conditions of the occupiers of the neighbouring property.
21. Concern has been raised that the occupiers of the proposed dwellings would burden existing services, some of which are regarded as inadequate, and I have considered the alleged limitations of the existing broadband, gas supply, road drainage, and sewerage systems. However, I have no substantive evidence before me as to the impact the additional dwellings would have on the existing services within the area, and this is not a matter that weighs heavily against the proposal.
22. I also note the concerns that the proposal has not been supported with an archaeological survey, and that it would result in the loss of an orchard and wildlife. Only a few isolated trees remain, and I have no firm evidence before me that the proposed dwellings would significantly compromise any wildlife value that the site may have. The Council's archaeology advisors have required a pre-development survey of the site to ascertain the details of the earthworks on site. In the absence of any evidence that demonstrates this would be inadequate to assess the archaeological importance of the site, I am satisfied such investigations would be sufficient.
23. I have considered the concerns of local residents that the grant of planning permission would set a precedent for other similar developments, including the area of land to the east of the appeal site, that the numbers of houses will be increased, and that there are other sites within the village that are more suitable for development. However, I do not have the details of these other sites before me. Furthermore, each application and appeal must be treated on its individual merits, in accordance with the requirements of the development plan and all other material considerations.
24. Finally, concerns that the appellant is seeking to make money from the proposal and is not a resident of the village, are not matters that have any bearing on my consideration of the planning merits of this appeal.

Conclusion

25. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR