



## Appeal Decision

Site visit made on 14 August 2014

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 9 September 2014**

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### **Appeal Ref: APP/R3325/A/14/2220744**

### **Land adjoining Hearn Lane, Galhampton Yeovil, Somerset BA22 7AN**

- 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 Mrs J Levett against the decision of South Somerset District Council.
  - The application, Ref. 14/00825/OUT, dated 24 February 2014, was refused by notice dated 18 June 2014.
  - The development proposed is the formation of a new vehicular and pedestrian access (close up existing gate) and the erection of a detached dwelling with garage (outline application to determine access).
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### **Application for Costs**

1. An application for costs was made by Mrs J Levett against South Somerset District Council. This application is the subject of a separate decision.

### **Decision**

2. The appeal is allowed and outline planning permission is granted for the formation of a new vehicular and pedestrian access and the erection of a detached dwelling with garage on land adjoining Hearn Lane, Galhampton Yeovil, Somerset in accordance with the terms of the application, Ref. 14/00825/OUT, dated 24 February 2014, subject to the conditions in the attached schedule.

### **Procedural Matter**

3. As stated in its description on the form, the application is in outline with only access to be determined at this stage. However Drawing No. 14013-3 Rev. A shows the footprint and siting of a dwelling and a garage in plan form and there are annotations providing further details of its scale. Despite these details the Planning Statement accompanying the application makes it clear that this layout is *'indicative'* and *'submitted to show the likely form of development comprising a detached single storey dwelling with detached garage'*.
  4. Thus whilst I have had regard to this information in my decision as to whether the site is suitable for development, both the layout and scale remain reserved for the Council's future consideration.
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## **Main Issues**

5. The main issues are (i) whether the site is in a sustainable location, and (ii) the effect of the proposal on highway safety.

## **Reasons**

### *Sustainability of the Site's Location*

6. In its refusal of the appeal application the Council has cited Policy ST3 of the South Somerset local Plan 2006 ('the Local Plan') on the basis that the site is located outside the defined development limits of Galhampton. However, although a 'Saved' policy, the planning policy for the area is in a period of transition and weight must also be given to both Government policy in the National Planning Policy Framework 2012 ('the Framework') and the emerging South Somerset Local Plan 2006-2028 ('the emerging Local Plan').
7. In my view both documents strongly indicate that the location of the site is not one that would preclude development of an appropriate type and scale. Paragraph 6 of the Framework explains that '*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*'. With this in mind it is clear that paragraphs 14, 54 and 55 taken together encourage a more flexible approach towards the provision of housing in rural areas and its definition as sustainable development than the rigid 'which side of the boundary' definition that is the basis of Policy ST3.
8. Furthermore, this flexibility is the cornerstone of emerging Local Plan Policy SS2 which restricts housing development to rural settlements that have two or more key services. This applies to Galhampton which will therefore maintain its status as a suitable location for additional development associated with its status as a 'village' under Saved Policy ST2 of the adopted Local Plan. The Local Plan Inspector has not raised any fundamental concerns with Policy SS2 and, unlike Policy ST3, it is consistent with the Framework's policies. I therefore consider that there is no basis as regards sustainability issues for withholding permission for the appeal site.
9. On this issue, I thus conclude that the appeal site is in a sustainable location and that development for housing would be consistent with both Government policy in the Framework and Policy SS2 in the emerging Local Plan.

### *Effect on Highway Safety*

10. It is accepted by the Highway Authority that the proposed access would have adequate visibility and with the gates set back from the carriageway edge there would be room for delivery vehicles to park without causing an obstruction.
11. As regards the Council's perceived inadequacy of Hearn Lane in terms of its narrow width and alignment to accommodate the traffic generated by an additional dwelling, it is by no means unusual for approach roads to villages to have more regard to the rural character of an area than be designed to accommodate vehicles. Moreover, the Highway Authority has again raised no issue as regards capacity or safety and there is no technical evidence in this appeal to support the Council's objection.

12. On this issue I conclude that the appeal proposal would have no adverse effect on highway safety in conflict with paragraph 5 of Local Plan Policy ST5.

*Other Matters*

13. I have had regard to the issues raised by local residents and recognise the concerns raised. However I agree with the officers' report that the site is visually well contained and that in principle, and subject to satisfactory details, the development would neither harm the character and appearance of the area nor adversely affect the living conditions for neighbouring residents.

*Conditions*

14. The Council has suggested a number of conditions if the appeal is allowed and I consider these to be reasonable and necessary. In addition to the standard conditions in respect the reserved matters, conditions as regards further details of the access, the form of any gates and the layout of visibility splays are required in the interests of maintaining highway safety. A condition in respect of surface water on the site will ensure that the development will not cause flooding in Hearn Lane.
15. However having regard to that, other than the principle of the development, only access is before me in this appeal, I have amended the suggested 'compliance with plans condition' so as to relate only to that aspect of the proposal. This condition is necessary in the interests of accuracy and proper planning.

**Conclusion**

16. For the reasons stated above the appeal is allowed subject to the conditions specified.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- 2) Approval of the details of the appearance of the building, the landscaping of the site, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced;
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
- 4) The access hereby permitted shall be carried out in accordance with approved Drawing No. 14013-3 Rev. A;
- 5) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- 6) The entrance gates shall be hung to open inwards only and thereafter shall be maintained in that condition at all times;
- 7) At the proposed access there shall be no obstruction to visibility greater than 300mm above the adjoining road level within the visibility splays shown on the approved plan, drawing No. 14013-3 Rev. A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter maintained at all times;
- 8) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before first occupation of the dwelling hereby permitted and thereafter maintained at all times.