



Appeal Decision

Site visit made on 22 August 2017

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

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

Decision date: 25th October 2017

Appeal Ref: APP/R3325/W/17/3173173

Hales Lea, Up-Mudford Road, Mudford, Yeovil, Somerset BA21 5TA

- 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 Hales Lea Partnership against the decision of South Somerset District Council.
 - The application Ref 16/03544/OUT, dated 15 August 2016, was refused by notice dated 30 November 2016.
 - The development proposed is residential development fronting Up-Mudford Road.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters reserved for subsequent approval.

Main Issue

3. The appellants submitted an Archaeological Appraisal with the appeal, following which, having consulted the County Archaeologist, the Council indicated that the reason for refusal relating to archaeology would be withdrawn. Accordingly, the main issues are:
 - i) the effect of the proposal on the character and appearance of the village, and
 - ii) the planning balance.

Reasons

4. The site lies on the edge of Mudford, a rural settlement to which South Somerset Local Plan(LP) Policy SSD2 applies, which indicates that development will be strictly controlled, limited to specific forms of development which include meeting an identified housing need, particularly for affordable housing. However, the Council accepts that it is unable to demonstrate a 5 year supply of housing land, and thus the harm caused by the conflict with this policy carries limited weight.
5. Accordingly, the Council accepts that Mudford is an appropriate location for new residential development. The application follows a previous proposal for a

- much larger site, of which the current site forms the southerly part. That proposal was refused, and an appeal was dismissed in 2014¹.
6. Mudford is a highly linear village, with the majority of the built form lining either side of the A359 road. However, in the southern part of the village there is Hales Meadow, a significant estate which lies to the east of the road, comprising about 70 dwellings and a recreation ground, accessed from Up-Mudford Road. There is also a strand of development on the north-west edge of the village, and whilst it forms something of an outlier, it is formed largely of the church and a farm with ancillary buildings, rather than a line of residential development, and I consider that it does not materially alter the strong linear form of the settlement.
 7. The Hales Meadow estate does not conform to the general pattern of development, a point acknowledged by the previous Inspector, who referred to it as being at odds with the essential character trait formed by the linear form of the village. He also commented that the harmful development permitted in the past, under a different policy regime, provides little justification for more of the same, a premise with which I agree. The previous appeal was dismissed, with harm to the character and appearance of the area being one of the reasons for doing so.
 8. This proposal is somewhat different from the one dismissed on appeal. The illustrative plan indicates that a line of dwellings would be provided, continuing the existing line of dwellings fronting Up-Mudford Road, which comprises a single house, Camelot, a pair of bungalows and a terrace of 4 houses immediately adjacent the westernmost site boundary. However, this is not a strong linear form. The dwellings at 1 and 3 and 2 to 8 Hales Meadow front the road, but they are seen very much as part of the estate which extends behind them, which is an anomalous and harmful exception to the otherwise distinctive character of the village. Camelot is the only dwelling which fronts the road which is not an adjunct to the estate, and that is separated from the rest of the frontage dwellings by the end elevation of a terrace which is part of the estate, and its gardens.
 9. Whilst the proposed dwellings would continue the immediate line of adjacent houses, it would consolidate and extend a part of the estate further into the open countryside, at a point where the road bends, diminishing the visual continuity with the main part of the village. It would exacerbate the incongruity of the form of dwellings along the road, and would further damage the strong linear and distinctive character to the village. Whilst I recognise that the site and its surroundings do not have a high landscape value, this does not alter the damaging impact that the proposal would have on the character of the village.
 10. I have had regard to the other examples referred to by the appellant. The dwelling approved at Kiln Cottage was noted by officers as being uncharacteristic of the predominant linear pattern of the village, but concluded that it would not look out of place, due to its set-back position and location at the entrance of the village. Notwithstanding the siting at right-angles to the road, the site itself is consistent with the linear form of the village. The site adjoining 1 Primrose Lane lies on the edge of Yeovil, and has clearly distinguishing characteristics, and offers little support for this proposal. The 20

¹ Ref: APP/R3325/A/14/2224827

dwellings approved in Queens Camel involved weighing the social benefits of providing affordable housing against the uncharacteristic form of development, and was a case that turned on its individual merits.

11. I therefore consider that the line of dwellings along Up-Mudford Road is also a departure from the essential characteristic linear form of the village, and that its continuation would be harmful to the distinctive form. It would therefore conflict with LP Policy EQ2, which deals with general development criteria, which, amongst other things, seeks to reinforce local distinctiveness.

Planning balance

12. The appellants contend that the Council cannot demonstrate a 5 year supply of housing land. The supply of 4.2 years reported by the Council's monitoring report in July 2016 has worsened since the previous year. This has not been disputed by the Council, in which case the provisions of paragraph 14 and 49 of the National Planning Policy Framework (the Framework) come into play. Their effect is to provide that where a 5 year supply cannot be demonstrated, the policies for the supply of housing are out of date, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
13. There are no Framework policies that indicate that development in this case should be restricted, and therefore the "tilted balance" applies. The proposal would provide clear social benefits in helping to meet the housing needs of the district; this attracts significant weight. There would also be economic benefits arising from the construction and subsequent occupation of the dwellings.
14. The proposal is also aimed at custom-builders; the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site.
15. The Council has a duty to grant permission for a number of sites equivalent to the number of applications on the register, although the initial period to satisfy that duty does not expire until the latter part of 2019. The Council says that no-one has registered an interest in acquiring such a site in Mudford. The appellants say they are aware of considerable local interest in custom-build sites and whilst I recognise that there may be good reasons why not all those with a genuine interest in acquiring such a site might not register, such anecdotal expressions of interest cannot carry the weight that entries on the official register might carry because only the latter engages the statutory duty.
16. In this case, the appellant has not submitted a planning obligation to provide a mechanism to ensure that the plots are only acquired, built and occupied by custom-builders. However, if the appeal were to have been allowed, I would have sought the main parties' views on a condition to secure appropriate arrangements.
17. As it is, even taking into account that the Council has not provided any self-build/custom-build plots to date, I find that the harm that would be caused to the character and appearance of the area would significantly and demonstrably

outweigh the benefits of providing such plots, together with the other benefits that would arise, referred to above. The environmental dimension of sustainable development would not be fulfilled, and that when looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Other matters

18. I have had regard to the concerns expressed about flooding, but these do not add to my reasons for dismissing the appeal. As this is an outline application, concerns about the impact on the living conditions of neighbours could have been addressed through the submission of reserved matters, if the appeal were to have been allowed.

Conclusion

19. For the reasons given the proposal is unacceptable and the appeal must be dismissed.

JP Roberts

INSPECTOR