



Appeal Decision

Site visit made on 27 March 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2018

Appeal Ref: APP/R3325/W/17/3187015

Land at Mill Lane, Pitcombe

- 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 Ms Sarah Wheeler against the decision of South Somerset District Council.
 - The application Ref 17/02162/OUT, dated 15 May 2017, was refused by notice dated 4 September 2017.
 - The development proposed is an outline planning application for one single storey dwelling on Land at Mill Lane, Pitcombe to include access and landscaping with all other matters (appearance, layout, scale) to be reserved.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made in outline with matters relating to appearance, layout and scale reserved for future consideration. I have determined the appeal on the same basis and have treated the indicative layout and elevations accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the location of the development would increase the need for journeys to be made by private car.

Reasons

Character and appearance

4. The appeal site comprises part of an open pastoral field adjacent to a former railway track, the edge of which is lined by mature trees and vegetation. This marks a very clear change in character. To the north east lies the edge of the settlement which is semi-rural in character. To the south west, where the appeal site lies, the character is distinctly rural. Even on the opposite side of the road where the edge of the former railway line is not marked by trees and the dwellings are closer to, if not on the former alignment, there still remains a

clear line which is not breached and beyond which is rural and undeveloped. The existing dwellings at Nos 1 and 2 Mill Lane appear sporadic in nature and washed over by open countryside, whilst the appeal site is well separated, visually and physically, from Ivy Cottage and Laurel Cottage.

5. I acknowledge that the appeal proposal is in outline form with matters relating to appearance, layout and scale reserved for future consideration. I also note it is intended that the dwelling would be single storey and partially dug into the hillside. Nevertheless, the appeal proposal would significantly change the character and appearance of the site and create a very clear urbanising encroachment beyond the visual envelope of the settlement, as demarcated by the former railway line.
6. The photographs provided by the appellant demonstrate the significant rise in the land from the appeal site entrance. Even if the dwelling were cut into the landscape it would still be very visible in public views from Mill Lane when approaching from the north passed the tree belt. The proposal would also result in the loss of part of the existing hedgerow at the site entrance to accommodate the visibility splay. Additional and replacement planting may reduce the visibility of the dwelling in time but a driveway, garden and any retaining structures would likely remain significant urbanising features on this site. A dwelling in this location would also materially consolidate development along this stretch of Mill Lane and erode the existing sporadic character.
7. I am also concerned about the potential effect when viewed from the corner of Mill Lane to the south west, close to the Public Right of Way. Although there are trees and hedgerows around the outer edge of the wider field, the topography of the site is such that the main part of the site is elevated well above road level. The effective screening benefits of the trees and hedgerow are therefore significantly reduced. Again, I appreciate the outline nature of the proposal but I do not know how much cut would realistically be secured at reserved matters stage. A partial cut as suggested is unlikely to avoid further visual harm, even if the dwelling were restricted to single storey with an appropriate materials palette. I accept that the visual intrusion would be reduced by the proposed new planting, however, this would take a considerable time before achieving beneficial effect.
8. Therefore, whilst noting that details could change at reserved matters, the indicative plans before me do not demonstrate a scheme which is capable of avoiding significant visual harm to this rural location. Nor do they demonstrate that the majority of the appeal site would be undeveloped. I acknowledge that the site is not part of a designated landscape, but even with the proposed landscaping I fail to see how the introduction of a dwelling and associated urbanising features into this open pastoral field would amount to an improvement in landscaping terms.
9. I do not consider that the indicative siting as showed would reflect the layout of development to the north, where dwellings are in the main positioned more closely to the road frontage, particularly those on the eastern side of the road. Moreover, the clear demarcation from the established settlement minimises any visual continuity and the proposal would appear at odds with the existing visual and physical containment and local distinctiveness.

10. The appellant has referred me to other decisions in the area, including the appeal decision at Sundown, Sunny Hill¹. However, as acknowledged by the appellant, that site is located some 180m north of the appeal site. As such it lies on the other side of the former railway line where the context is materially different to that which is currently before me. In any case, the Inspector concluded that that the proposal would result in harm to the character and appearance of the area.
11. I have noted the approvals at No 10 Mill Lane and Ivy Cottage, but I do not consider such outbuildings to be directly comparable to the proposal currently before me. I do not have precise details of the location of the annex approved at No 7 Old Station Lane but if its siting hasn't breached the former railway line then it would maintain the character differentiation, whether the land to the south of the alignment is residential or not.
12. Given the separation and intervening landform, I do not consider that the proposal would have any material effect on the setting of the Pitcombe Conservation Area and as such would preserve the same.
13. Nevertheless, for the reasons explained I conclude that the proposal would result in significant harm to the character and appearance of the area, contrary to Policy EQ2 of the South Somerset Local Plan (LP). This states, amongst other matters, that development will be designed to achieve a high quality, which promotes local distinctiveness and preserves or enhances the character and appearance of the district.

Location of development

14. Whilst Bruton has a range of shops and facilities, the appellant acknowledges that the appeal site is approximately 1.7km from its centre. I have noted the appellant's reference to Manual for Streets but given the separation and initial lack of footways and street lighting, I do not consider it likely that future occupants would generally walk to Bruton. Similarly, due to the lack of footways and limited street lighting between the appeal site and the nearest bus stops, I'm not convinced that future occupants would routinely use this mode of transport either.
15. Therefore, although the appellant has demonstrated that cycle distances and routes would not be prohibitive, in overall terms, links between the appeal site and services and facilities, including the train station in Bruton, are generally poor. They are therefore unlikely to encourage walking or the use of local bus services, particularly in the hours of darkness and during the winter months. Consequently, future occupiers would in practice largely rely on the use of a private car and thus would not contribute to sustainable travel patterns.
16. I have noted the appellant's reference to paragraph 32 of the National Planning Policy Framework (the Framework), which states, amongst other things that development should only be prevented or refused on transport grounds where the residual impacts of development are severe. However, case law has established that this addresses matters of highway capacity and congestion, rather than highway safety considerations in themselves.
17. In this regard, the Transport Statement (TS) demonstrates low levels of traffic and vehicle speeds along Mill Lane, across the appeal site frontage. This

¹ Appeal Ref: APP/R3325/W/16/3165154

largely corresponds with my own observations and no evidence, such as road safety data, is provided by the Council to dispute these findings. Moreover, local residents explain that the road is used by walkers, cyclists and for horse riding. The evidence before me does not therefore suggest that existing conditions along Mill Lane are unsafe. Nevertheless, walking on a road with no footpath and street lighting inherently carries more risk than if the opposite were the case. Moreover, it would be less attractive to future occupants on a day to day basis and as a result would affect travel choices.

18. The appellant has drawn my attention to other approvals. Whilst distances from Old Station Lane are not significantly different, occupants living along that road would at least have direct access to a footpath and the benefit of street lighting. I have noted the Inspector's decision in respect of the Sunny Hill site that it would be well located in relation to services and the local transport network. However, although that site may only be 180m closer to Bruton than the appeal site, this intervening distance would be material to future occupants' travel choices given the characteristics I have described. I do not have the location plans for the appeals at Sunny Hill Cottages and land to the east of Sunny Hill, which were the subject of appeal decisions in 2001² but based on the address details, the same conclusions would apply.
19. I therefore conclude that the location of the development is such that it would increase the need for journeys to be made by private car, contrary to LP Policy TA5. This states that all new development shall be required to address its own transport implications and shall be designed to maximise the potential for sustainable transport through measures which include securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all.

Other matters

20. The settlement strategy for the district, as set out in LP Policy SS1 identifies the broad strategic locations for new development reflecting sustainable development principles. However, the Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites. In these circumstances paragraph 49 of the Framework establishes that relevant policies for the supply of housing should not be considered up-to-date. In turn, the test in the fourth bullet point of paragraph 14 of the Framework applies. Thus permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. Set against the harm identified above there would be limited social and economic benefits associated with the proposal. An additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy and social sustainability would also be limited. It would not make any substantial ongoing contribution to the economic dimension of sustainability through the construction of the dwelling, which would be for a limited time only.
22. As the appeal site comprises an undeveloped open field, its development does not attract the support of the paragraph 17 of the Framework which seeks to make effective use of previously developed land. An argument that

² Appeal References: APP/R3325/A/01/1059707 and APP/3325/A/01/1059708

development would optimise the potential of a redundant open field is one that could be repeatedly applied with significant adverse harm. It therefore carries little weight in favour of the appeal proposal.

23. I accept that the proposal could achieve appropriate visibility splays and would have a limited effect on the local highway network. However, these are neutral matters in the planning balance.
24. I have carefully considered the other approvals and appeal decisions presented by the appellant. However, for the reasons I have explained, I find there to be material differences to that currently before me, thereby limiting the weight I have afforded to them. In any case, I have determined the appeal on its own merits.
25. I note the findings of the supporting habitat survey that the proposal would result in biodiversity gains. However, the proposal would result in significant harm to the character and appearance of the area and its location is such that it would increase the need for journeys to be made by private car. This results in conflict with LP Policies EQ2 and TA5. I find that this harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore fail to meet the principles of sustainable development as set out in LP Policy SD1 and the Framework.

Conclusion

26. For these reasons, and taking all other matters into consideration, I conclude that the presumption in favour of sustainable development does not apply and that the appeal should be dismissed.

Richard S Jones

INSPECTOR