



Appeal Decision

Site visit made on 15 January 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2019

Appeal Ref: APP/R3325/W/18/3200616

Land OS 0084 at Gunville Farm, Violet Lane, Charlton Horethorne, Sherbourne, Dorset.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 17/03405/FUL, dated 16 August 2017, was refused by notice dated 20 October 2017.
 - The development proposed is the erection of two dwellings, provision of access, diversion of public right of way, landscaping and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 24 July 2018, replacing the previous version. The appellant was notified of the publication and invited to make comments. I have had regard to the comments received in determining this appeal. Whilst further revisions were published in February 2019 (the revised Framework), no changes have been made to the content which are directly relevant to the subject matter of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of my taking the revised Framework into account in my assessment of the appeal's merits.
3. For reasons of clarity, I have used the site address as it appears on the Local Planning Authority's (LPA) refusal notice, excluding the grid references.
4. The LPA's first reason for refusal made reference to the proposed development resulting in a less attractive route for users of the public right of way as a result of its diversion. However, the LPA withdrew this part of the reason for refusal in response to the appellant's evidence on this matter. I have no reason to take a different view and therefore do not consider this matter further. For the avoidance of doubt, however, whilst the description of development refers to the diversion of a public right of way, any such diversion would need to be the subject of a separate consent procedure. This appeal decision therefore relates solely to the development being proposed.
5. The LPA's second reason for refusal related to a lack of information in relation to the extent to which roadside hedgerow removal would be necessary in order to achieve the required highway visibility splays. However, the LPA

subsequently confirmed that, in the light of the appellant's transport report, this reason for refusal has been overcome, subject to a suitable landscaping condition. In the light of third party comments, I also sought clarification from the appellant in respect of the control of land that would be needed to ensure adequate highway access visibility splays. Such clarification was provided and I need not therefore consider the second reason for refusal further.

Main Issue

6. The LPA does not dispute that, in principle, Charlton Horethorne is a suitable location in strategy terms for small scale residential development given the range of local services and facilities it provides. I see no reason to take a different view. Accordingly, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The focus of the village is around the village shop, school, public house and church in the southern part of the settlement around the junction of North Road and the B3145. The village extends uphill, quite steeply at first, towards the appeal site to the north. It is of a generally linear form, characterised by small scale development punctuated with open and undeveloped spaces separating low density clusters of development.
8. The appeal site lies on the northern fringes of the built-up area of the village and occupies the corner of a large field bounded by Blackford Road and Violet Lane. Immediately to the east of the proposed development is a linear strip of dwellings contained within a narrow wedge of land lying between Blackford Road and the field hedge.
9. The proposal comprises two large detached open-market dwellings and a separate block containing a pair of double garages, together with car parking and turning area. The dwellings would be two-storey and of a high standard traditional design, incorporating casement windows, gable features and red brick chimneys.
10. Nevertheless, the topography of the area is such that on approaching from the south, the appeal site rises up ahead and forms the foreground to expansive, far-reaching views of the open countryside. As such, the land currently provides a particularly arresting rural backdrop to this edge of the village. I recognise that the scheme represents a reduced scale compared to a previous proposal, that the LPA did not request a landscape and visual appraisal and that the appeal site does not lie in an area formally designated for its landscape or any other value. Nevertheless, its prominence and open nature are such that, to my mind, it forms an attractive and important part of the setting of this part of the settlement. The proposed development would interrupt this landscape setting and consequently would give rise to significant harm to the character and appearance of the area.
11. The scheme would incorporate the retention of the majority of the existing hedgerows bordering the site, with the exception of around 6m to enable access to the site. The existing field gate at the corner of Violet Lane and Blackford Road would also be removed and planted with new hedgerow, together with additional landscaping around the perimeter of the development. Nevertheless, the construction of two dwellings, detached garage block, hard

surfacing and accompanying domestic activities would have an urbanising effect on this open edge of the village which would not be fully mitigated by the proposed landscaping works.

12. Whilst the appeal development would be close to the houses on Blackford Road to the north, the nearest dwellings to it are sited in an unusual configuration with little space around them and are seen in the landscape as roadside dwellings. In contrast, the proposed dwellings would be of a different character, being set in generous plots and physically segregated by a hedgerow in the corner of an adjoining field. Furthermore, the appeal proposal would occupy land which, aside from the surrounding roads, lacks any pre-existing natural or physical boundaries to contain the development. Similarly, whilst the proposed building line would broadly mirror that of dwellings adjoining Violet Lane to the south, those properties form part of a coherent and established knot of development stretching southwards along Blackford Road.
13. My attention has been drawn to other developments which have taken place both historically and recently within the village which I viewed from public vantage points on my site visit. I am not familiar with the background to these developments, including the circumstances in which they may have been granted planning permission. It is clear that the growth of the village has taken place incrementally over many years and continues to do so. However, the examples I saw did not appear to offer a reasonable comparison to the case before me as, in the main, they either relate closely to and represent continuation of existing development, or are otherwise seen in the context of buildings or firm landscape features. Accordingly, I am not persuaded that the proposed dwellings would successfully reflect the prevailing, historic low density pattern of development in the village.
14. I therefore conclude that the proposed development would give rise to significant harm to the character and appearance of the area and would conflict with the adopted South Somerset Local Plan (2006 – 2028) (March 2015) Policy EQ2. That policy requires development to promote South Somerset's local distinctiveness and preserve or enhance the character and appearance of the District. This includes, amongst other considerations, the creation of quality places, ensuring development proposals are considered against conserving and enhancing the landscape character of the area. For the same reasons the proposed development would not accord with paragraph 127 of the revised Framework.

Planning Balance

15. It is not disputed that the LPA is unable to demonstrate a 5-year housing land supply, and this is currently estimated to be 4.4 years. Accordingly, in line with Paragraph 11 d) i. of the revised Framework, the so called 'tilted balance' is engaged.
16. There are a number of benefits associated with the scheme which I have carefully considered. Whilst I have found the proposed dwellings would be incompatible with its specific setting, they would nonetheless be of a high standard of design and would be constructed of good quality materials.
17. The development would provide two open market dwellings which could be suitable for family occupation on a site which the LPA's Housing and Employment Land Availability process has categorised, in principle, as being

both 'suitable' and 'achievable'. This would also accord with the revised Framework which notes that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. I am also mindful, based on the evidence before me, that rural areas in South Somerset are an important and successful source of housing supply.

18. It is not in dispute that site is in a location where, in principle, residential development could be acceptable as access to some day-to-day services and facilities is possible by means other than the private car. This weighs in favour of the scheme, although the benefits in this regard are tempered in this specific case as, whilst fairly proximate to the appeal site, the services and facilities would be accessed via a route which I saw is unlit, lacks footways and is, in places, quite steep. This, in my view, is likely to limit the extent to which future occupiers would choose to access local facilities by walking or cycling.
19. There would be economic and social benefits as a result of those services and facilities being likely to be supported by additional patronage. The development would also have positive economic benefits in supporting construction jobs. The scheme could also offer some biodiversity gains as a result of enhanced landscaping, although I note no specific management measures have been proposed.
20. The appellant has referred to benefits associated with improvements to highway visibility at the Violet Lane/Blackford Road junction. However, I have been provided with no evidence relating to any pre-existing highway safety risks and therefore attach little weight in favour of the scheme in that regard. Similarly, I have seen little evidence of the need for improved public right of way signage that could result from the development.
21. Overall, I consider the above benefits would be modest given the small scale of the scheme for two dwellings and these would be significantly and demonstrably outweighed by the harm to the character and appearance of the area. In this regard, I have had regard to the appellant's balancing exercises which attach weighted numerical values to the range of considerations. However, having carefully considered the Development Plan and all other material considerations, my judgement has, for the reasons given, led to a different conclusion.

Other matters

22. A number of other matters were raised by third parties in relation to the proposed development. However, as I am dismissing the appeal for the reasons given, I have not considered those matters further.

Conclusion

23. For the reasons given, and as material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal should be dismissed.

Ian Bowen

INSPECTOR