
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

Appeal Ref: APP/R3325/A/14/2220579

'Homestead', Ham Lane, Compton Dundon, Somerton TA11 6PQ

- 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 Stephen Attwell against the decision of South Somerset District Council.
 - The application, Ref. 13/04141/OUT, dated 14 October 2014, was refused by notice dated 19 December 2013.
 - The development proposed is an outline application for a single dwelling with associated access.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single dwelling with associated access at 'Homestead', Ham Lane, Compton Dundon, Somerton in accordance with the terms of the application, Ref. 13/04141/OUT, dated 19 December 2013, subject to the conditions in the attached schedule.

Procedural Matter

2. Approval is sought in full for the access, with details of appearance, landscaping, layout and scale reserved for subsequent approval.

Main Issues

3. The main issues are (i) whether the proposed development is in a sustainable location; (ii) the effect of the development on highway safety, and (iii) whether future occupiers of the dwelling would have acceptable living conditions as regards noise and disturbance.

Reasons

Sustainability of the Location

4. Saved Policy ST3 of the South Somerset Local Plan 2006 strictly controls development outside the defined development areas of towns, rural centres and villages and the Council argues that the relatively recent announcement that it has a five year supply of housing land means that the policy should apply in this case. It is argued that the proposed dwelling would be unsustainably located outside of the defined development area, where it is remote from adequate services, employment, educational and other facilities and public transport.
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5. However, whilst I accept that paragraph 49 of the National Planning Policy Framework 2012 ('the Framework') relating to policies being out of date without a five year supply is no longer directly relevant, I nonetheless consider that in the light of other policy in the Framework I should give only limited weight to Policy ST3. This is because paragraph 55 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
6. In the case of the appeal proposal, as Compton Dundon has a defined development boundary in the adopted Local Plan, the Council has already recognised that it has sustainability credentials. In these circumstances I consider that the application of the Framework's policy outweighs locating new housing only within that boundary, which would reflect the now overly restrictive approach of the increasingly out of date Policy ST3. Furthermore, the appeal scheme is for a dwelling within an established linear residential context to the west of the village centre and does not extend development beyond this into the open countryside.
7. For the appellant it has been explained that Compton Dundon has a village hall which provides a wide range of community facilities and also accommodates a post office with morning opening hours. There is also a church, a pub and an educational establishment, and I consider that all these facilities and the hourly bus service are in fact within a reasonable walking distance on a relatively safe route rather than 'remote' as the Council claims. I do not necessarily expect any future occupier to be a non car owner, but in line with national trends consider that this expectation would also apply to the majority of new residents in the village, whether within or outside the Local Plan boundary. I have also noted the appellant's point that four new houses have been approved outside the development limit within the last few months, including two much further away from the village hall / post office on the appeal site.
8. Overall on this issue, I consider that the proposed development would be in a sufficiently sustainable location for the approval of a dwelling, which in an area where meeting the 5 year supply figure has not been without some problems, is a benefit in itself, as well as providing the potential to assist in maintaining the vitality and retention of existing services and facilities. There would therefore be no harmful conflict with Local Plan Policy ST5 and the proposal would accord with the policies of the Framework.

Effect on Highway Safety

9. The Council has referred to a shortfall in visibility to the west because the required visibility splay cannot be achieved due to separate land ownership. However from my observations on my visit I saw that from the site's access it is nonetheless possible to see vehicles travelling from Peak Lane around the corner and eastwards on the opposite side of Ham Lane.
10. On the submitted plan at scale 1:500 this is about 45m and having regard to this and my agreement with the appellant's argument that the bend in the road and other highway constraints at this corner appear to moderate vehicle speeds, I am satisfied that the proposed access would not have an adverse effect on highway safety. There would therefore be no conflict with Local Plan policy ST5 or with paragraph 32 of the Framework.

Living Conditions for Future Occupiers

11. The proximity of a B2 Use Class motor vehicle repair workshop to the proposed dwelling is a third reason for refusal. The Environmental Health memorandum that lead to the refusal reason refers to the potential of complaints from occupiers of the dwelling preventing the expansion of the business.
12. However this is a small scale use carried out within the confines of a building, and as pointed out for the appellant the business is already subject to restrictions to limit any potential nuisance. There would additionally be the opportunity at reserved matters to take the proximity of the B2 use into account in the design and siting of the proposed building. In my view Local Plan Policy EP1 has been inappropriately applied to the proposal and there would be no unacceptably adverse effect on living conditions to preclude the principle of development.

Conclusion

13. For the reasons stated above and having had regard to all other matters raised, including by local residents, the appeal is allowed subject to the conditions. In addition to the standard reserved matters conditions I shall impose a condition requiring development to proceed in accordance with the approved plans in the interests of accuracy and proper planning.
14. A condition relating to implementation of the access visibility splays is needed for highway safety. Finally because of the lack of illustrative material at this outline stage, I agree with the Council's suggestion that a condition requiring the co-ordination of reserved matters is required, again in the interests of accuracy and proper planning.

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) All reserved matters shall be initially submitted in the form of one application showing a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials and landscaping;
- 5) The development hereby permitted shall be carried out in accordance with the following approved Drawings: OS based Location Plan with site edged red; Plan at scale 1:500 with heading 'Grounds of Appeal - Visibility Splays';
- 6) 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 submitted plan. Such visibility splays shall be constructed prior to the commencement of the construction of the dwelling and shall thereafter be retained at all times.