



Appeal Decision

Site visit made on 11 January 2018

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2018

Appeal Ref: APP/R3325/W/17/3182584

Land South of Union Drove, Huish Episcopi, Langport, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Wright against the decision of South Somerset District Council.
 - The application Ref 16/05547/FUL, dated 23 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is described on the application form as the 'construction of one single-storey, 2 bedroom, contemporary dwelling with one room dedicated to a home office, and with new access, associated parking, built-in bicycle storage / work equipment storage, a bat rehabilitation flight cage/ shed and a change of use from agricultural land.'
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Decision

1. The appeal is allowed and planning permission is granted for the development proposed as set out in the banner heading above at land south of Union Drove, Huish Episcopi, Langport, Somerset in accordance with the terms of the application Ref 16/05547/FUL, dated 23 December 2016, subject to the schedule of conditions below.

Preliminary matters

2. I have based my decision on the scheme before South Somerset District Council ('SSDC') at the time they took their decision, noting that the plans submitted on 13 January 2017 are not significantly different from earlier versions.
3. Irrespective of the planning history here, each proposal must be determined on its particular merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the South Somerset Local Plan 2006-2028 (adopted 5 March 2015, the 'LP'). I have taken account of other relevant material considerations, including the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

Policy context

4. LP policy SD1 'Sustainable development', in line with paragraph 14 of the NPPF, establishes how SSDC will seek to secure development that improves economic, social and environmental conditions. LP policy EQ2 'General development', amongst other provisions, sets out that development should conserve and enhance landscape character and reinforce local distinctiveness.

5. LP policy EQ2 accords with the approach in the NPPF to recognising the intrinsic character and beauty of the countryside, seeking to promote or reinforce local distinctiveness, and to protecting valued landscapes (paragraphs 17, 60 and 109). Neither SD1 nor EQ2 relate primarily to the supply of housing.
6. SSDC explain that their future housing land supply of deliverable sites amounts to approximately 4.2 years, short of the five years required by paragraph 47 of the NPPF ('5YLS'). With regard to paragraphs 49 and 14 of the NPPF, relevant policies for the supply of housing must therefore be treated as out of date, and permission withheld only if the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits.
7. Paragraph 55 of the NPPF, which in summary establishes that new isolated homes in the countryside should be avoided other than in special circumstances, is referred to by SSDC at appeal. In the absence of a specific planning definition of 'isolated', I have accorded this its ordinary definition of 'far away from other places, buildings or people; remote'.
8. In their decision notice SSDC refer to the adverse environmental effects that they consider would result from the development proposed (an uplift in private vehicular use given its location). The NPPF sets out that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, whilst acknowledging that sensitivity is needed given the different opportunities available for such comparing urban with rural areas (paragraphs 17 and 29).

Main issues

9. Against the context above, the main issues are (1) whether or not the appeal site is an appropriate location for the development proposed with particular regard to the accessibility of nearby services and facilities, and (2) the effect of the development proposed on the character and appearance of the area.

Reasons

Appropriateness of location

10. The appeal site is part of an open field beyond the existing built form of Langport and Huish Episcopi. Vehicular access is solely via Union Drove. Union Drove joins the B3153 approximately 650 metres away around the cluster of properties comprising Hamdown Court at Picts Hill. At a short distance westwards of this junction towards the centre of Langport, the built form of the settlement becomes regular and consolidated.
11. However Union Drove and the land immediately around it, including the appeal site, are predominantly rural in character. Union Drove is a relatively narrow single track lane. In the main it is flanked by established hedgerows, with adjacent land primarily a patchwork of agricultural fields with occasional buildings dotted about.
12. Notwithstanding its predominantly rural character, however, the appellant explains that a dozen dwellings are accessed via Union Drove (including at a greater distance from the B3153 than the appeal site, such as Aylesbury Rise). Moreover, looking from Union Drove through the appeal site, a significant number of dwellings are visible close by, albeit that most are accessed instead

via Wagg Drove. The complex of buildings comprising Cracknell's Poultry Farm is also adjacent to the appeal site.

13. Despite the circuitous route from the appeal site to the centre of Langport via Union Drove, Huish Episcopi Academy is close by: a distance specified by the appellant to be approximately 365 metres as the crow flies. A public footpath runs through the field of which the appeal site is part between Union Drove and along the rear of properties accessed via Wagg Drove, Portland Road and Pounsell Lane.¹
14. Whilst this footpath runs through agricultural fields, it is nevertheless a relatively short and convenient route from the appeal site to Pounsell Lane close to the Academy, where the Rose and Crown is also located adjacent to the A372 (being the principal route through Huish Episcopi). As this footpath tracks near to existing dwellings it benefits from relatively good natural surveillance, and I observed several walkers here at the time of my site visit (mid-afternoon).
15. For the above reasons, whilst I acknowledge that the appeal site falls within an area which is predominantly rural in character, given the presence of nearby residential properties and the accessibility of the appeal site to Huish Episcopi by foot, it cannot appropriately be described as isolated within the terms of paragraph 55 of the NPPF.
16. Whilst some level of uplift in private vehicular usage would result from the development proposed, this would inevitably be modest in relation to a single dwelling. Any uplift would furthermore be moderated given that the appeal site is relatively accessible on foot.² Moreover the walking distance between the appeal site and certain nearby services and facilities is, I observed, comparable in length to that which must be taken from various other properties in the area.³
17. I therefore conclude that the appeal site would be an appropriate location for the development proposed with particular regard to the accessibility of nearby services and facilities. Accordingly no conflict arises in this respect with the relevant provisions of LP policy SD1, or of paragraphs 17, 29 or 55 of the NPPF.

Character and appearance

18. By virtue of being open natural land, the appeal site contributes to the predominantly rural character of Union Drove and setting of Huish Episcopi. The field in which the appeal site is located slopes downwards from Union Drove towards properties accessed via Wagg Drove, and consequently the dwelling would be set at a relatively elevated position in the topography.
19. The scheme would, aside from a small element of reduction to enable access, maintain the existing hedgerow and trees along the site frontage with Union Drove, and new boundary planting would be established. The appellant intends to maintain new boundary planting to a minimum height of two metres, whereas the floor to eaves height of the dwelling would be approximately 2.44 metres (with a maximum ground to ridge height of approximately 5.29 metres). The dwelling would therefore be partially visible from various vantage points nearby

¹ The footpath would be unaffected by the development proposed.

² Such uplift would also be incidental to the existing level of residential vehicular use of Union Drove.

³ For example those along Wagg Drove, around Picts Hill, or from outlying clusters of dwellings along the A372 to the east of the centre of Huish Episcopi.

including the adjacent footpath and, inevitably, introduce built development where none is currently present.

20. There is some variety in the appearance of properties dotted around Union Drove and those accessed via Wagg Drove, notably in respect of their age and architectural detailing. However there are certain commonalities. Dwellings are typically of an understated rural vernacular with broadly symmetrical elevations, traditional proportions and materials (stone walls and concrete or slate roof tiles predominate).
21. By contrast the proposed dwelling would be contemporary in design. It would have an asymmetric overall form with irregularly arranged windows. External walls would be primarily black stained larch cladding, with a black profiled steel roof. The appellant acknowledges that the design of the dwelling would 'omit the status quo of the local residential vernacular'. Accordingly I conclude that the proposal would fail to conserve landscape character or to reinforce local distinctiveness (in conflict with the relevant provisions of LP policy EQ2 and the approach in paragraphs 17 and 60 of the NPPF).
22. Nevertheless there are various factors that would significantly moderate the visual impact of the proposal. Its utilitarian form and external materials would to some extent emulate the functional appearance of certain agricultural buildings, including those found at Cracknell's Poultry Farm adjacent. Timber cladding and profiled metal sheeting are also used in certain nearby properties (as shown in the photographs on pages 17 to 19 of the appellant's appeal statement).
23. As noted above the dwelling would be of limited height such that the boundary screening proposed, would serve to obscure all but its eaves and roof. The prevailing use of black would assist in rendering the dwelling a recessive part of the landscape. Accordingly, and noting that the surrounding area is subject to no protective designations related to landscape character, I accord the harm arising in respect of character and appearance only limited weight against the proposal.

Planning balance

24. As SSDC are presently unable to demonstrate a 5YLS, I now turn to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. The NPPF establishes that it is the purpose of planning to contribute to the achievement of sustainable development, i.e. pursuing economic, social and environmental gains jointly and simultaneously.
25. No one element of the NPPF automatically outweighs any other, and the NPPF elsewhere sets out that planning should boost significantly the supply of housing and that in rural areas housing should be located where it will maintain the vitality of rural communities. The PPG similarly highlights the role that housing may play in supporting the sustainability of villages and smaller settlements (Reference ID: 50-001-20150519).
26. The dwelling proposed would result in an addition to housing stock in an area with an acknowledged lack of provision, and in a location which I have found to be appropriately related to nearby residential properties and reasonably accessible. There would also be economic and social benefits in supporting employment during construction and as future occupants would bring trade to the local area.

27. As the proposal is for a single new home, these benefits may fairly be accorded only limited weight in its favour. Nevertheless such benefits would not be significantly and demonstrably outweighed by the limited harm that would result in terms of character and appearance. Therefore other material considerations in favour of the proposal justify taking a decision which is not in accordance with the development plan.

Other matters

28. Much of the argumentation before me relates to whether there is a specific justification for the development in this location (in particular relating to the employment requirements and voluntary activities of the appellant). This may relate to the examples given of 'special circumstances' in paragraph 55 of the NPPF, which may justify granting consent for new isolated homes in the countryside, or more generally to the merits of the proposal.
29. As I have found that the appeal site is not isolated, there is no need to consider whether a location-specific justification exists with reference to paragraph 55 of the NPPF. I note the personal circumstances of the appellant, and his laudable intentions regarding bat rehabilitation and providing care for an elderly neighbour in particular. However the PPG sets out that personal circumstances will 'scarcely ever' justify a permanent building (Reference ID: 21a-015-20140306). The dwelling would be permanent, and people are temporary elements of this world each with different personal circumstances. Accordingly, for the avoidance of doubt, these matters have not affected my decision.
30. I also note the low impact construction methods and various biodiversity enhancement measures proposed. These approaches are positive in environmental terms, considered broadly, compared to the effects that may arise from the construction of certain other dwellings. However they have been proposed in order to mitigate the environmental impacts of the development as a whole, and no conditions in these respects have been proposed by SSDC to ensure compliance with local or national planning policy. Accordingly they are neutral in my determination of the appeal.
31. I have given careful consideration to the concerns of those nearby including regarding the potential effects of the proposal on flood risk, ecology, privacy and the potential for allowing the appeal to set an adverse precedent. I understand that the appeal site is within flood zone 1, i.e. an area at lowest risk of flooding. Moreover any relevant development must, independently of planning, comply with the relevant drainage requirements of Building Regulations.
32. Notwithstanding that the proposal would result in the loss of some natural land, no undue effects to ecology would in my view arise on account of the hedgerow retention and landscaping proposed (which could be secured via a suitably-worded condition).⁴ Given the boundary screening proposed, and the separation distance between the appeal site and neighbouring properties, I am not of the view that the proposal would adversely affect the privacy of those nearby. I would also note that none of these concerns form part of SSDC's case at appeal.
33. As it is the specific design and surrounding context of the proposal which renders it acceptable, and as each proposal must be determined on its particular

⁴ Having had regard to the supporting Extended Phase 1/ Phase 2 Habitat Survey, dated October 2016.

merits, I do not consider that allowing the appeal would set an undue precedent. As such neither this, nor any other matter, is sufficient to alter my reasoning above regarding the overall merits of the scheme.

Conclusion

34. For the above reasons, and having taken all other relevant matters into account, the other material considerations in favour of the proposal justify taking a decision which is not in accordance with certain provisions of the development plan. Having had regard to the development plan taken as a whole and to the approach in the NPPF, I therefore conclude that the appeal should be allowed subject to the conditions below.

Conditions

35. In the interests of certainty, I have imposed a condition requiring compliance with the supporting plans. To limit the effects of the proposal on the character and appearance of the area, with regard to my reasoning in respect of LP policy EQ2 and paragraphs 17, 60 and 109 of the NPPF above, I have also imposed conditions requiring that the finished floor levels of the dwelling proposed are established definitively, a landscaping scheme implemented, and external materials agreed (conditions 3, 4 and 5).

36. Conditions 3 and 4 must apply before any works related to the development proposed commence: initial groundworks may affect finished floor levels, and any site preparation or groundworks have the potential to adversely affect hedgerows and trees bounding the appeal site. Condition 5 need not apply, however, to site preparation and groundworks, as these activities have no substantive bearing on the external materials to be used.⁵

37. In imposing conditions I have had regard to the tests in the NPPF, the PPG and relevant statute. I have accordingly amended the wording of certain conditions proposed by SSDC without altering their aim.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan – Land South of Union Drove', the combined schedule of plans entitled 'Wright House: Architectural Drawings and Site Plan' dated 24 November 2016, 'Wright House, Visibility Splay – Union Drove'.

⁵ There is a plan showing site levels before me, and indications of the external materials proposed. However the former does not contain a unique reference number or date, and the indications of the external materials proposed would occasionally benefit from additional precision.

- 3) No development hereby permitted shall take place until details of the finished floor levels of the proposed dwelling have been agreed in writing by the local planning authority.
- 4) Notwithstanding condition 2, no development hereby permitted shall take place until a landscaping scheme ('LS') has been agreed in writing by the local planning authority. The LS shall include details of: all existing hedgerows and trees that may be affected by the undertaking of the development hereby permitted including those proposed for retention, measures to protect those proposed for retention throughout the course of undertaking the development hereby permitted in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations, any new planting, seeding, turfing and boundary features proposed, any changes to ground levels.

Any new planting, seeding, turfing and boundary features proposed shall be implemented in accordance with the agreed LS in the first planting and seeding season following the occupation of the building or completion of the development, whichever is the sooner. Within a period of five years from the implementation of any new planting, seeding, turfing and boundary features in accordance with the agreed LS, any which are removed, die, or become critically diseased or damaged shall be replaced with specimens of similar species and size in the next planting season following their loss.

- 5) Notwithstanding condition 2, no development hereby permitted other than site preparation and groundworks shall be carried out until details of the external materials to be used have been agreed in writing by the local planning authority (including in relation to walls, roofs, windows, doors, lintels, fascia boards, guttering, downpipes and other rainwater goods, and the surfacing of any parking and turning areas, including samples where appropriate). Development shall be carried out in accordance with the details thus agreed.