



Appeal Decision

Site visit made on 28 March 2018

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th May 2018.

Appeal Ref: APP/R3325/W/17/3189769

Land between Old Vicarage and 15 Yeovil Road, Yeovil Road, Tintinhull, Yeovil, BA22 8QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bunny Construction Ltd against South Somerset District Council.
 - The application Ref 17/03721/OUT, is dated 1 September 2017.
 - The development proposed is the residential development of 6 dwellings.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. If the Council had been in a position to determine the application it would have refused planning permission for two reasons. The first relates to the development not being served by a safe and suitable means of pedestrian access. The development would be likely to generate an increase in pedestrian traffic on a highway that is heavily trafficked and lacking adequate footways, with consequent additional hazards to all users of the highway.
3. The Council's second reason would have been that the development by reason of its siting and scale fails to respect the setting of a designated heritage asset, and would lead to an inappropriate consolidation of built development that would be at odds with the dispersed and primarily linear development pattern of the locality.
4. The original application was for outline planning permission with all matters reserved. The submitted drawings show details of the siting, layout, landscaping and access for six dwellings, with drawing 4346/16 being described as a concept plan. Having regard to the original application and that the Council have considered the proposal as an outline scheme with all matters reserved, I have determined the appeal in the same way.
5. The Old Vicarage and its garden boundary walls are grade II listed buildings. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

6. During the appeal process the appellant provided a Cooperation Agreement for the provision of a footpath. The Council were given an opportunity to comment on the document, and I have had regard to the agreement in my decision.

Main Issues

7. The main issues are firstly the effect of the proposal on the character and appearance of the area, having particular regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, the effect of the proposal upon highway safety.

Reasons

Character and Appearance

8. The appeal site is part of a large field positioned to the north of Yeovil Road. The field slopes uphill towards the boundary with 11 Yeovil Road, and there are some cottages adjacent to the south-eastern corner of the site. To the north and south are agricultural fields, with the Old Vicarage and its gardens being to the west.
9. The imposing form and rich architectural detailing of the Old Vicarage is part of the special interest of this listed building. The listed garden wall gives a defined boundary to the property, with the height of the wall and the presence of the grass verge in front of it allowing views of the house from the public realm. This and the size, form and style of the house, along with its generous gardens are part of the significance of this listed building, and are reflective of the historic social, community and functional importance of the property in the village.
10. Although there are modern buildings to the west of the Old Vicarage, the presence of the fields and paddocks to the north and east have retained the open setting to the house. It is a prominent building within the area, reflecting its former status and importance. The appeal site contributes towards the views of the property when approaching the village, and this open setting to the house allows its importance to be readily appreciated.
11. The village has a defined form concentrated upon a north-south alignment, with buildings mostly fronting the highways. The proposed dwellings would be separated from the village by an area of landscaping. Such an arrangement would appear contrived. The creation of a cluster of houses set apart from the village would be intrusive, having little regard to either the historic pattern of the settlement or its recent extensions.
12. I accept there are other cul-de-sacs within the village, including that at School Close, but in most cases they are integrated with the surrounding development. The position of the proposed dwellings would form a deep and incongruous group that would unacceptably intensify and consolidate the loose scatter of development that is found beyond the Old Vicarage.
13. Moreover, the dwellings would intrude into the open nature of the setting of the Old Vicarage. Although the dwellings would be separated from the listed building by an area of landscaping, they would be close enough to erode its open setting, particularly as they would be positioned on higher land. The

- dominance and legibility of the Old Vicarage as a building of importance within the area would be reduced.
14. The provision of a levelled grass verge to the front of the site would be similar to that in front of the listed wall. However, the new verge would have to terminate abruptly where the wall comes close to the carriageway. The effective segregation of the two verges would appear both divisive and contrived, thereby distracting from the simplicity of the Old Vicarage's frontage.
 15. My attention has been drawn by the parties to the planning history of the site, and also to another appeal decision elsewhere in the village. However, the site history includes a number of schemes from the 1960s and 1970s, and of the more recent cases cited they do not form a direct comparison to that before me, including with regard to the number of dwellings proposed.
 16. The National Planning Policy Framework (the Framework), requires that where a development proposal would be less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The scheme would not impact upon the listed buildings themselves. The harm would be to their settings and would be less than substantial.
 17. The provision of housing, including two affordable homes would be at a time when the Council have no five year housing land supply. There would also be a public benefit arising from the off-site open space contribution and provision of a footpath. Even taking into account the objective in the Framework to boost the delivery of housing, these benefits would be modest, and would not outweigh the harm to the settings of the listed buildings.
 18. The Framework advises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given above, the proposal would unacceptably harm the character and appearance of the area, and would fail to preserve the settings of two listed buildings. This would be contrary to Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan (2015) (LP). These seek, amongst other things, sustainable development, and that which respects context and local distinctiveness, and the conservation of heritage assets, thereby reflecting the Framework.

Highway Matters

19. As the crow flies future occupiers of the dwellings would be close to the services and facilities within the village. However, accessing them by foot would be along the relatively busy Yeovil Road, a road which is neither lit nor has a footway. Walking along this road at night would neither be safe nor convenient.
20. The provision of a grass verge to the front of the site would not provide a safe and convenient footway for all pedestrians, particularly those with mobility problems or using pushchairs and such like. In addition if the grass was not regularly mown, and /or the surface became muddy, pedestrians would be likely to walk in the road. Moreover, the pinch-point created by the listed wall would necessitate users of the verge having to step into the carriageway. As

such pedestrian movements to negotiate the wall would be unexpected to motorists, to the detriment of all users of the highway.

21. The appellant has provided copies of a Cooperation Agreement to provide an alternative pedestrian route to the village. However, the nature of this link has not been detailed. Crossing a field at night during the winter months would be neither be an attractive or convenient alternative to Yeovil Road.
22. Thus, the proposal would unacceptably harm highway safety for all users, nor would it be the secure inclusive, safe and convenient access that addresses the needs of all, as required by LP Policy TA5 and the Framework.

Other Matters

23. Local residents have raised a number of other matters, including land ownership, potential damage to retaining walls, the impact of the proposal on the living conditions of those nearby with regard to outlook and loss of light, and flooding and drainage concerns. Land ownership would be a matter for the relevant parties to resolve, and as regards the other issues raised, following my findings on the main issues, I have no need to consider them further.

Planning Balance and Conclusion

24. The Framework states that the relevant policies for the supply of housing should not be considered up-to-date if a Council cannot demonstrate a five year supply of deliverable housing. In such circumstances, 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 specific policies in the Framework indicate development should be restricted. Restrictive policies include those concerning heritage assets.
25. Given that there would be significant harm to the settings of two listed buildings that would not be outweighed by the public benefits of the proposal, it follows that the appeal scheme does not constitute sustainable development. There would also be unacceptable harm to the character and appearance of the area and with regard to highway safety. Thus, there are no material considerations that would warrant a decision other than in accordance with the development plan, and as such the scheme would be contrary to the LP policies referred to above and also to objectives of the Framework.
26. For the reasons given above, and having considered all other matters raised, the appeal is dismissed and planning permission is refused.

J J Evans

INSPECTOR