



Appeal Decision

Site visit made on 20 August 2018

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2018

Appeal Ref: APP/R3325/W/18/3197808

**Land adjacent to Upton Bourn Lodge, Langport Road, Long Sutton,
Langport TA10 9NJ**

- 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 Mrs Gill Rickards against the decision of South Somerset District Council.
 - The application Ref 17/03020/FUL, dated 17 July 2017, was refused by notice dated 14 September 2017.
 - The development proposed is 4 no. detached dwelling houses with associated external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and facilities,
 - ii) the effect on the character and appearance of the surrounding area;
 - iii) the effect on the setting of Upton Cross, a Grade II listed building, and
 - iv) the planning balance.

Reasons

Suitability of the location

3. The site lies on the south eastern quadrant of the crossroads junction of two minor roads with the A372 Langport Road. It is on the western edge of a loose ribbon of built development extending from Long Sutton to the east. South Somerset Local Plan (LP) Policies SS1 and SS2 set out the settlement strategy for the district, focusing growth on Yeovil, four primary and local market towns, together with some specified forms of development in six rural centres. Long Sutton is not one of these settlements, and for the purposes of the policy it is treated as lying in the open countryside, where only development meeting exceptional criteria will be permitted.
4. I consider that the appeal site does not lie within the settlement; it forms an open field on the edge of an outlier cluster of development which forms a loose

ribbon of development along Langport Road. Even if that were not the case, the proposal would not fall within any of the specified circumstances where exceptions may be made to the presumption against new development, that is, development which provides employment opportunities appropriate to the scale of the settlement, or creates or enhances community facilities and services to serve the settlement or meets identified housing need, particularly for affordable housing. Accordingly, the proposal conflicts with Policies SS1 and SS2.

5. The Council is unable to demonstrate a 5 year supply of housing land, which indicates that Policies SS1 and SS2 are failing to provide the number of houses that the district needs. This means that they should be considered as being out of date, and that the presumption in favour of sustainable development that is engaged by Policy SD1 and paragraph 11 of the Revised National Planning Policy Framework (the Framework) has to be balanced against that conflict. I shall refer to this again below when dealing with the planning balance.
6. In terms of the site's accessibility, whilst there is a bus stop close to the site, local residents' uncontested evidence is that the services (other than school buses) have ceased. There is a footway on the northern side of the Langport Road, so that occupiers could walk to the facilities in Long Sutton, which include a primary school, shop, hall, church and public houses. However, these are up to 1.8km away from the appeal site, which I consider to be too far to offer a reasonable degree of accessibility for travel by foot. Public footpaths in the area do not offer significantly shorter distances, and their lack of surveillance, surfacing and lighting is likely to discourage their use by some, particularly in the dark or in bad weather.
7. I have had regard to the development referred to at Picts Hill, where the Council is said to have taken an inconsistent approach in respect of distance to facilities, but I do not have sufficient details before me to make an informed comparison. Whether other sites may be considered as being sustainable is a matter to be assessed in the round, and where accessibility is but one criterion, and each case needs to be examined on its merits.
8. The Framework does not set out specific accessibility criteria. Nevertheless in paragraph 129, dealing with design, it commends the use of design assessment frameworks, specifically referring to *Building for Life 12: The sign of a good place to live*. That document contains suggested acceptable walking distances, and indicates that the maximum preferred distance to a town centre is 800m, half the distance from the appeal site to the village shop. This reinforces my view that occupiers would not have satisfactory access to services and facilities other than by car. Thus, even if the site could be regarded as falling within the settlement, it would not satisfy the underlying objective of the settlement strategy set out in the explanatory text to Policy SS1, to guide development to the most sustainable locations and to reduce the need travel.

Character and appearance

9. The site is partially screened by trees, walls and other planting along the two roadside elevations. Whilst it is contiguous with the open fields to the south in the south-east corner of the site, the site makes little contribution to important landscape character, partly because of screening, but also because of the presence of built-development adjacent or close to its boundaries. The

proposal would result in the loss of a small pocket of open countryside, and whilst I acknowledge that the Framework requires that decisions should recognise the intrinsic character and beauty of the countryside, I consider that this small pocket makes little contribution to the attractiveness of the open countryside nearby.

10. In terms of the design and layout of the proposal, the four dwellings would all be large, four bedroom houses. Given the variety of designs nearby, including the modern glazing on the neighbouring Upton Bourn, I have no objection to a contemporary design. Whilst the form of the proposed buildings is suggestive of large barns, I consider that the replication of similar building types fails to reflect the diverse designs and arrangements of buildings nearby. Moreover, the layout, with four similar large buildings close to each other, in disproportionately small plots, and with two buildings close to the roadside boundaries, would appear as dominant, and would contrast with the more varied size and spacing of dwellings nearby. Rather than providing an appropriate transition to the open countryside to the west, the development would appear as overly suburban, with an insufficient landscaped buffer to Vedal Drove and the open field beyond.
11. I therefore find on the second main issue that the proposal would fail to respect the character and appearance of the surrounding area, and would conflict with LP Policy EQ2 which deals with general development and requires that development should be designed to promote local distinctiveness and preserve or enhance the character and appearance of the area.

The setting of Upton Cross

12. Upton Cross lies directly opposite the site, on the north side of Langport Road. It is a Grade II listed building, noted in the listing description as being a 17th century detached cottage of two storeys, built in cut and squared local lias limestone, with Ham stone dressings, with a thatched roof and brick chimneys. It records other features of interests such as the windows and thatched porch. The cottage has a wide frontage, with its principal elevation facing the road, and the appeal site beyond.
13. The Framework defines the setting of heritage assets as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
14. Upton Cross is a large dwelling, which at the time it was erected would have been a property of some stature; its size and detailing, together with a large front garden are indicative of its quality. Its physical fabric, and its relationship to a nearby historic building, Upton Corner House and, as reflected in its name, its setting at a crossroads all contribute to its significance as a heritage asset. At the time of its erection, the building would have been the only dwelling at the crossroads, enjoying an open aspect on all sides. That setting has changed over the years, and the modern bungalow on the opposite side of Hermitage Road has reduced the prominence of Upton Cross. Even so, the appeal site forms part of the historic open rural setting to the building, which contributes to its significance.

15. I recognise that views from the site towards the cottage are impeded by a row of lime trees along the boundary of the appeal site, and to a lesser extent by more sporadic planting within the front garden of Upton Cross. Such views are likely to be more evident in winter when the limes are not in leaf, and because of the closeness of Unit 1 to the trees, and given the propensity of limes to exude sticky sap, there may be pressure to fell or lop them in the future.
16. Unit 1 would be a large dwelling with a two storey element close to the boundary which would be seen on the approach to the crossroads above the limes and the wall and roadside planting along Vedal Drove. I consider that it would compete with Upton Cross and diminish its significance as a heritage asset. In doing so, it would result in some small harm to its setting.
17. The harm would be, in the terms of the Framework, "less than significant". The Framework requires that such harm be weighed against the public benefits of the scheme. In this case, taking into account that the Council is unable to demonstrate a 5 year supply of housing land, there would be modest social benefits from the provision of 4 new houses. There would also be some small economic benefits arising from the construction and occupation of the new homes. Balanced against this is the small harm that would arise to the setting of the listed building. As there is a statutory obligation on decision-makers to have special regard to the desirability of preserving listed buildings and their settings, great importance is attached to protecting settings. In my judgement, the harm in this case would not be outweighed by the benefits.
18. I therefore conclude on the third main issue that the proposal would result in material harm to the setting of Upton Cross, which would not be outweighed by the benefits, and would conflict with LP Policy EQ3.

Other matters

19. The Council did not refuse the application on the basis that no provision had been made for affordable housing. Although the appellant suggests that the proposal would require the equivalent of one affordable house, no planning obligation has been provided to give effect to that intention. I have therefore not treated contributions towards affordable housing as a benefit in this case.
20. The appellant has referred me to a number of other developments in the locality and further afield. However, I have not been provided with full details of these permissions but it seems that none of them are wholly comparable with the current proposal, which I have dealt with on its own merits.
21. Local residents expressed concerns about highway safety, but I consider that the proposed access point, utilising an existing access, would have adequate visibility, and would not materially alter highway safety conditions.
22. I have had regard to residents' concerns about the possibility of the proposed homes being used for holiday accommodation, with resultant noise and disturbance. However, this prospect is an insufficient reason to dismiss the appeal.

Planning balance

23. Paragraph 11 of the Framework requires that where relevant planning policies are out of date, as in this case where a 5 year housing supply (and appropriate buffer) cannot be demonstrated, permission should be granted unless one of

two criteria are met. The first of these is where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, specifically including those policies which protect designated heritage assets. I have found that the harm that would be caused to the setting of the nearby listed building outweighs the public benefits of the scheme, and provides a clear reason for dismissing the appeal. Accordingly, the “tilted balance” of Paragraph 11 does not apply in this case.

24. I have had regard to the other benefits that would accrue from the development, including economic benefits from the construction and occupation of the homes, and putting the site to beneficial use but even cumulatively, these benefits do not outweigh the harm that I have found.

Conclusion

25. For the reasons given above, I find that the proposal would conflict with the development plan as a whole, and that the appeal should be dismissed.

JP Roberts

INSPECTOR