



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/17/3182434

Land North of 129 Marsh Lane, Yeovil, Somerset BA21 3BZ

- 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 & Mrs Doble against the decision of South Somerset District Council.
 - The application Ref 17/00474/FUL, dated 2 November 2016, was refused by notice dated 17 March 2017.
 - The development proposed is described on the application form as the 'erection of 3No dwellings, consisting of 1No two bedroom dwelling & 2No three bedroom dwellings'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I have noted the planning history here, appeal Ref APP/R3325/A/11/2155079 in particular (dated 6 September 2011, the '2011 appeal'). However the size of the site, the number and design of dwellings proposed, and the planning policy context have changed significantly since 2011.
3. Moreover 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').
4. I understand that a hedgerow at the appeal site may have, at some point previously, been removed outwith the provisions of the Hedgerows Regulations 1997. However South Somerset District Council ('SSDC') explain within their officer report associated with the application that this matter was 'closed down' in 2012. SSDC do not pursue any argument in this respect at appeal.

Policy context

5. Amongst other provisions, LP policy EQ2 'General development' sets out that development should conserve and enhance landscape character and reinforce local distinctiveness. The NPPF similarly establishes that planning should recognise the intrinsic character and beauty of the countryside, that it is appropriate to seek to reinforce local distinctiveness and to protect valued landscapes (paragraphs 17, 60 and 109). These aims of the NPPF are not void where protective landscape designations are absent (as is the case here).

6. SSDC explain that at present their future housing land supply of deliverable sites amounts to approximately 4 years and 4 months. This is short of the five years required by NPPF paragraph 47 ('5YLS'). With regard to paragraph 49 of the NPPF, relevant policies for the supply of housing must therefore be considered out of date. However this does not apply to LP policy EQ2, as it does not relate primarily to the supply of housing (albeit that it may have some indirect effect in this respect).
7. In the absence of a 5YLS, however, paragraph 14 of the NPPF nevertheless establishes that planning permission should be refused only where any adverse impacts of proposed development would significantly and demonstrably outweigh its benefits. I have approached the appeal on this basis.

Main issue

8. Against the context above, I consider the main issue to be the effect of the development proposed on the character and appearance of the area.

Reasons

9. The appeal site is an irregular, untended, and essentially open parcel of land to the north of No 129 Marsh Lane. It has a frontage to Marsh Lane of approximately 54 metres (compared to a frontage of approximately 30 metres in the 2011 appeal). Aside from a northern sliver of land related to securing access visibility, it has a depth relative to Marsh Lane of between approximately 12 to 16 metres (compared to a depth of approximately 8.5 metres in the 2011 appeal).
10. From certain vantage points, the three dwellings proposed would be visible in conjunction with existing properties along Marsh Lane. However the short ribbon of properties along Marsh Lane northwards of Combe Street Lane itself projects into the rural environs of Yeovil. Visually, properties fronting Combe Street Lane represent the limit of the main consolidated built form of the town in this direction.
11. Aside from No 129, the immediate surroundings of the appeal site are essentially rural in character. Other than access to, and gardens associated with, two dwellings on the opposite side of Marsh Lane, land nearby is predominantly a patchwork of agricultural fields demarcated by established hedgerows and trees, with only occasional buildings present.¹ As the appeal site has a significantly longer site frontage than depth, the dwellings proposed would primarily be seen in conjunction with the rural surroundings of the appeal site rather than in connection with other dwellings.
12. I observed that the appeal site is, moreover, relatively prominent within the landscape. Broadly the topography rises from the area around Yeovil Marsh towards Combe Street Lane. This results in a distinctive and largely open rural setting to the town, which is readily apparent from an arc of vantage points towards the north-east and north-west of the appeal site. This area is described in the Council's Peripheral Landscape Study of Yeovil (published in 2008, the

¹ As noted by the inspector in relation to the 2011 appeal, the boundary of the plots of properties on the opposite side of Marsh Lane to the appeal site is demarcated by mature beech hedging. This remains present, and, combined with the generous set-back of Nos 130 and 132 from Marsh Lane, means that residential development to the east of the appeal site is not readily apparent.

'PLS') as the Yeovil North escarpment. In its present state the appeal site is consistent with its rural surroundings, and the development proposed would be visible both from nearby and certain more distant vantage points.

13. On account of its openness, the appeal site moreover enables expansive views of the landscape broadly towards the north which, as identified above, forms a significant part of the rural setting of Yeovil. Whilst the PLS is not part of the development plan, in a similar vein to my reasoning above it likewise identifies that the landscape towards the north of Yeovil here is a valuable element of the town's setting. I also note that many nearby residents place considerable importance on local landscape character. In this context the dwellings proposed would be clearly detrimental to character and appearance, not only by reducing the natural qualities of the appeal site but also by obscuring certain expansive views that are currently present.
14. Notwithstanding that the dwellings proposed would primarily be seen in connection with the surrounding landscape, in overall scale, height, and building line they would be broadly consistent with others along Marsh Lane. Their intended set-back from Marsh Lane behind a verge, low wall and footpath would mean that they would be arranged in a manner which largely reflects that of other properties nearby (an arrangement differing from that proposed via the 2011 appeal).
15. Whilst I acknowledge that there is some variety in the plot size of properties along Marsh lane, three dwellings within the appeal site, which remains relatively narrow, would represent a notably greater level of density than is characteristic of the area. Aside from Nos 121 and 123, a pair of historic semi-detached properties, the prevailing pattern of development nearby is of detached properties set in more spacious plots than the proposed dwellings (as is the case of Nos 127, 128a and 129 close by). In my view the incongruous level of residential density proposed would accentuate the effect of the proposal on the surrounding landscape and its visual harm.²
16. I therefore conclude that the development proposed, by virtue of resulting in incongruous development within an essentially natural and open site which contributes significantly towards landscape character, would have a substantial detrimental effect on the character and appearance of the area. Retained or augmented boundary screening, as the appellants have proposed, would do little to mitigate such effects given that this would only partially obscure the proposed dwellings from view (and may itself reduce the characteristic sense of openness here). The proposal therefore conflicts with the relevant provisions of LP policy EQ2 and with the approach in paragraphs 17, 60 and 109 of the NPPF.

Planning balance

17. As set out initially, relevant policies for the supply of housing must be considered out of date. However, whilst I acknowledge that LP policy HG5 'Achieving a mix of market housing' relates to an acknowledged need for 2 or 3 bedroom properties of the type proposed in this instance, the relevance of the

² I also note that the residential density now proposed, 3 dwellings within a plot of approximately 54 metres frontage would be comparable with that proposed in the 2011 appeal (one dwelling within a plot of approximately 30 metres frontage), which the previous inspector found contributed towards visual harm.

absence of a 5YLS is largely that the proposal would make a small numerical contribution to housing stock.

18. The NPPF sets out that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. This is effectively reiterated in LP policy SD1 'Sustainable Development'. Three new homes in this location would entail some social and economic benefits, notably in supporting employment during construction and as future occupants would make use of services and facilities in the area.
19. However the social and economic benefits of three new homes would inevitably be modest, particularly set against the minimum LP housing requirement of 15,950 dwellings over the plan period (of which 7,441 relate to Yeovil).³ Moreover neither the support in the LP nor NPPF for the provision of new housing is at the expense of ensuring that all development is appropriately located and integrates suitably with the character and appearance of its surroundings. Therefore, for the above reasons, the substantial harm arising in respect of the main issue in this case would significantly and demonstrably outweigh the qualified benefits of the proposal.

Conclusion

20. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the NPPF. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

³ LP policies SS4 'District-Wide Housing Provision' and SS5 'Delivering New Housing Growth'.