



Appeal Decision

Site visit made on 14 July 2021

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/R3325/W/21/3271661

Site to the South of Crewkerne Station, Misterton, Crewkerne TA18 8AU

- 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 Robin Furby of Dunmore Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 20/01086/OUT, dated 26 March 2020, was refused by notice dated 8 February 2021.
 - The development proposed is eight semi-detached two-storey houses and a single detached house with associated infrastructure on land at Station Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with only landscaping reserved. I have assessed the appeal as such, considering the landscaping shown on the proposed drawings on an illustrative basis.
3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the revised Framework without prejudice to either party.
4. The appeal is accompanied by additional drawings¹. As they do not alter the proposed development but seek to provide greater detail of it, I had regard to these additional drawings without prejudice to any party.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - whether or not adequate living conditions would be created for future occupants, with reference to outlook, light and outside space.

Reasons

Character and appearance

6. Paragraph 130 of the Framework, amongst other things, states that decisions should ensure that developments will function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

¹ As listed in Appendix 1 of the appellant's Statement of Case

7. The site forms part of a redundant coal yard in the process of redevelopment for housing². The former yard occupies a sidehill cut alongside the railway line with which it was once associated, on the opposite side of which is the Grade II listed Crewkerne Railway Station (the Station). Access is off Station Road, which occupies higher land to the west and, running south to north, is carried by road bridge across the railway line towards Crewkerne.
8. This length of Station Road is generally formed of linear pockets of housing set amongst large, sweeping fields. The closest houses to the south are set behind modest enclosures and softly landscaped gardens. As they give way to the site, the elevation of Station Road allows for a sense of openness, with the gentle topography flowing down towards the Station as the foremost landmark of the scene, with its High Victorian Gothic roofscape set against the sky.
9. The dwelling at Plot 01 would be at the highest and most prominent point of the site, above the cutting and adjacent to Station Road. Whilst intended to provide an active site frontage, its elevated and upfront position dictates that it would fail to respect the topography and pattern of development here, leading it to have a domineering presence within the street scene. It would be joined by a large and utilitarian boundary fence. This would be an abrupt and inactive feature incomparable to the more modest enclosures already present, such as the bridge parapet. The harm caused by the fence would not be mitigated by setting it back, which would also diminish the outside space serving Plot 01.
10. The appellant considers that soft landscaping would likely obscure the legibility of the topography and the open quality around the site frontage in any event. However, this is not the case as the landscaping within the site is a reserved matter and the existing trees standing in the parcel of land between the site and Station Road offer a soft, natural and permeable visual effect.
11. Consequently, the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the landscape and design aims of Policy EQ2 of the South Somerset Local Plan (2006-2028) (adopted 2015) (SSLP) and the Framework.

Living conditions

12. Paragraph 130 also requires decisions to ensure that the arrangement of spaces creates attractive and welcoming places to live which promote health and well-being, with a high standard of amenity for future users.
13. The windows within the ground floor south elevation of the houses in Plots 02 and 03 would look out on to an almost immediate retaining wall, with limited access to outlook and light. Whilst this is sought to be relieved through open plans and by apertures within the north elevation, these principal living areas would be effectively single aspect. The northward openings would have little access to direct sunlight and would themselves have limited outlook onto the shallow rear gardens bound by an 'unclimbable' fence. As such, these would be unacceptably confined ground floor spaces for future users in my opinion.
14. The main, usable outside spaces serving the houses at Plots 04-09 would have the same northerly aspect and enclosure. They would be excessively small given that they would serve three-bedroom family homes, with likely demands for recreation, including children's play. They would also house the bin storage

² Stemming from Appeal Ref APP/R3325/A/11/2150293

aside the openings into the respective dining spaces, creating a disagreeable relationship between waste and areas intended for habitation. The accessibility to public open space further afield owing to the proximity of the Station is unlikely to make up for these immediate shortcomings.

15. The appellant has submitted photographs of a recent housing development in Cullompton. However, whilst aspects of the designs appear similar, the full details surrounding the granting of that scheme are not before me. Assessments of a scheme's standard of living accommodation are highly fact sensitive and dependent upon site specific circumstances in any event. The housing in Cullompton is therefore of limited weight in my reasoning here.
16. Accordingly, I conclude on this issue that the proposal would fail to create adequate living conditions for future occupiers, with reference to outlook, light and outside space. It would conflict with the residential amenity aims of Policy EQ2 of the SSLP and the Framework.

Other Matters

17. With its linear form and greater respect for the topography, the extant permission would have a more sensitive and compatible effect on the character and appearance of the area than the appeal proposal. As such, it is a fallback position which does not weigh in favour of the scheme before me.
18. The Council has referred to the effect of the scheme on the Somerset Moors and Levels Ramsar site, a site protected by the Conservation of Habitats and Species Regulations 2017 as amended due to the rare aquatic invertebrates it supports. These animals are susceptible to the effects of phosphate levels from foul water, which can be increased by residential development. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance and Conclusion

19. The harmful effect of the scheme on the character and appearance of the area and its failure to create adequate living conditions for future users are matters to which I attribute significant weight. They draw the proposal into conflict with the development plan when read as a whole.
20. The government is seeking to significantly boost the supply of housing and the scheme would contribute nine homes to local supply in a location with adequate access to services. Whilst this would be a more effective use of the land in terms of the amount of housing delivered, the Framework also requires the reuse of land to safeguard the environment and ensure safe and healthy living conditions. Consequently, given the circumstances before me, the social and economic benefits of the scheme attract limited weight in the balance. It follows that there are no other considerations, including the Framework, which outweigh the conflict with the development plan in this case.
21. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR