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## Appeal Decision

Site visit made on 26 May 2020

by **JP Longmuir BA (Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> June 2020

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**Appeal Ref: APP/R3325/W/20/3244569**

**Badgers Cross, Chinnock Huts Lane, East Chinnock, Yeovil BA22 9DH**

- 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 Boden against the decision of South Somerset District Council.
  - The application Ref 19/00996/OUT, dated 3 April 2019, was refused by notice dated 9 July 2019.
  - The development proposed is the erection of a dwelling to the rear of Badgers Cross.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application is submitted in outline with all matters reserved. I have therefore taken any indication of the reserved matters in the submission to be indicative.

### Main Issues

3. The main issues are:
  - whether the location is suitable having regard to local and national planning policy;
  - the effects of the dwelling and potential access on the character and appearance of the area including the trees and;
  - the effects on highway safety.

### Reasons

#### *The suitability of the location*

4. The site lies to the north of the village of East Chinnock, which is on the A30 between Yeovil and Crewkerne. There is an intervening wooded hillside between the site and the village.
5. The development plan for the area is the South Somerset Local Plan (SSLP), adopted March 2015. Policy SD1 has an overarching sustainable development objective. Policy SS1 focusses residential development into market towns. Policy SS2 covers rural settlements, which only allows new houses where there is access to two or more key services.

6. Policy SS2 lists the key facilities required to support new residential development. Development within East Chinnock, would comply. However, in my opinion the appeal site is outside and distanced from this settlement and within the countryside, which is contrary to policy SS2.
7. The nearest facilities for the occupants of the dwelling would be in East Chinnock, which the Council's case officer's report quantifies as 500m. The shortest connecting route is Chinnock Hollow, which is a steep, enclosed narrow lane with no pedestrian pavement or lighting. These circumstances would be likely to discourage walking or cycling to facilities. Similarly, walking to a bus stop would be constrained.
8. I consider that the occupants of the dwelling would be likely to use car travel to meet their everyday needs including retail, education, social, health and employment. I therefore conclude that the proposal is therefore contrary to the SSLP policies SD1, SS1 and SS2.

*The effects on the character and appearance of the area including the trees*

9. The site is part of the rear garden of the host property, which is significantly elevated. There are also mature deciduous trees along the adjacent Chinnock Hollow Lane which is well named being recessed into steep banks. The decision notice refers to the potential loss of the trees and the impact of engineering work to create the access.
10. The potential connecting road at Chinnock Hollow has very steep sides and is narrow. The Somerset County Council Highways Development Control-Standing Advice, June 2017, precludes accesses which are steeper than 1:10 within 6m of the carriageway. In the absence of any submitted evidence to the contrary, in my opinion this gradient would require substantial engineering works, which together with the access itself would cut into the bank. It would destroy the integrity and continuity of the natural feature.
11. There are mature trees along the Chinnock Hollow which are worthy of retention in their own right as well as contributing to the character of the lane. Whilst the precise point of the potential access has not been stated, some removal of these trees is inevitable bearing in mind the extent of the tree cover and the need to achieve visibility. In the absence of any evidence to the contrary, the loss of tree cover would harm the character of the lane.
12. The site extends away from Chinnock Hollow on to an open grassed plateau which is not prominent from public view. A dwelling could be sited on this plateau. There is a public right of way to the south, but I noted on my site visit that this is largely screened by vegetation. The appellants also highlight this is not within a designated landscape. Similarly, the plateau itself is open grassland and featureless and is not seen as part of any notable view, consequently it seems undistinguished. The siting and appearance of the dwelling are not matters for this outline proposal, but it seems to me that in principle a dwelling would not harm the area, notwithstanding the access impacts.
13. I therefore conclude that the access would be harmful to the character of the area. Policy EQ2 of the SSLP protects the landscape and policies EQ4 and EQ5 are similarly aimed at protecting biodiversity and trees. I therefore find that the proposal is in conflict with the SSLP in this respect.

*The effects on highway safety*

14. The decision notice refers to the proximity of the site with the Chinnocks Huts Lane/Chinnocks Hollow road junction as well as the potential steep gradient. The Council's highway officer's response recommends that the access should not be a reserved matter.
15. As stated earlier the access needs to achieve a safe gradient and visibility has to be provided in accordance with the 30mph limit. The site's boundary with the Chinnock Hollow Lane is heavily constrained by the steep bank and mature trees and the Chinnock Huts Lane appears unavailable due to the existing dwelling and its grounds. No evidence has been provided that a safe access is feasible which would overcome the substantial constraints.
16. Therefore, I find that the access would be likely to be sub-standard. Policy TA5 of the SSLP promotes highway safety, and I therefore conclude that the proposal would be contrary to the policy.

*Planning balance*

17. Both parties agree that the Council is not meeting its residential land supply requirements. The shortfall in land supply means that there is no presumption in favour of the Development Plan under section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 11 (d) of the National Planning Policy Framework (the Framework) applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
18. The dwelling would be in the countryside and is distanced from the shops and services offered by a settlement, hindered further by the lack of a pavement and lighting along the connecting steep narrow lane. I conclude that the dwelling would be car dependent for everyday services and facilities. Accordingly, the proposal contravenes paragraph 79 of the Framework which seeks to avoid isolated homes in the countryside. The land supply shortfall questions the development plan housing policies, but the general thrust of policies SS1 and SS2 which directs development to locations with services settlements is still an appropriate strategy.
19. The appellant refers to the under supply of housing land and the dwelling is regarded as helping. There is a pressing need for new housing in the area, particularly bearing in mind the continuing shortfall. However, this one additional house would not make a significant contribution to the land supply. The appellant also promotes the proposal as a self-build scheme, which is in short supply. This is a benefit but not an overriding factor.
20. Whilst the construction of a new house has economic and social benefits, these are very limited because the proposal is only one house and is separated from local services, which would be more likely to be used where walking and cycling are convenient. The proposal conflicts with paragraph 78 of the Framework, which promotes new housing where it maximises support for local services.

Similarly, paragraph 108 states development should utilise sustainable forms of transport.

21. I have found above that based on the submitted evidence, the proposal would be harmful to the character and appearance of the area and highway safety.
22. In overall balance, I therefore conclude that the impacts of the proposal are significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole.

**Conclusion**

23. I therefore conclude that the appeal should be dismissed.

*John Longmuir*

INSPECTOR