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# Appeal Decision

Site visit made on 3 August 2020

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 September 2020**

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**Appeal Ref: APP/R3325/W/20/3250918**

**Hillside, Tower Lane, Buckland St Mary, Chard TA20 3TQ**

- 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 Mr & Mrs R Harkness against the decision of South Somerset District Council.
  - The application Ref 19/02023/FUL, dated 18 July 2019, was refused by notice dated 6 November 2019.
  - The development proposed is erection of a new three bedroom detached bungalow and double garage.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a new three bedroom detached bungalow and double garage at Hillside, Tower Lane, Buckland St Mary, Chard TA20 3TQ in accordance with the terms of the application, Ref 19/02023/FUL, dated 18 July 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

## Main Issues

2. The main issues are:
  - a) Whether the site is suitable for a dwelling, bearing in mind the settlement policies of the development plan and the accessibility of the site to local services; and,
  - b) The effect of the development on the landscape character of the area, including the Blackdown Hills Area of Outstanding Natural Beauty (the AONB)

## Reasons

### *Settlement policies and accessibility of services*

3. The Council's settlement strategy is set out in Policy SS1 of the South Somerset Local Plan (2006 – 2028) (the Local Plan), which was adopted in 2015. It is based on a hierarchy of settlements, identified because of their current and potential role and function. At the top of the hierarchy, Yeovil is a Strategically Significant Town, and the prime focus for development. In Market Towns, provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres. Lower in the hierarchy, Rural Centres provide for development that meets local housing need, extends local services, and supports economic

activity of an appropriate scale. All other settlements are considered to be within open countryside and are identified as Rural Settlements, where national countryside protection policies apply. Buckland St Mary falls within this category, at the bottom of the hierarchy.

4. Policy SS2 of the Local Plan places strict control over development in Rural Settlements. Residential proposals are limited to those that meet identified housing need, particularly for affordable housing. The policy also requires development to be commensurate with the scale and character of the settlement, increase its sustainability, and have the support of the local community. Furthermore, proposals for housing development should only be permitted in Rural Settlements that have access to two or more of the key services that are listed at Paragraph 5.39 of the supporting text. Buckland St Mary meets this requirement, as it has a primary school and church in the village centre, and a village hall and public house within its dispersed hinterland. Consequently, new housing in the village, of an appropriate type, scale and character, would accord with the overall settlement strategy.
5. The proposal is for a single dwelling, built of natural stone and render, with a slate roof. The scale, design and materials would be appropriate for this rural setting, and would be in keeping with the existing houses on either side. Although the house would not be affordable, it would allow the appellants to downsize to a smaller property, more suitable to their age and disabilities. Paragraph 5.44 of the Local Plan identifies the provision of small bungalows to allow elderly local householders to move to, and remain in the village, as a particular type of housing that would be acceptable in Rural Settlements. Whilst the proposal is not for a small bungalow, it would have a self-contained ground floor, so would allow the existing residents the opportunity to remain in the locality. The house would, therefore, be of an appropriate type, scale and character.
6. To comply with Policy SS2, however, the development should be in the Rural Settlement. The main built-up part of Buckland St Mary is centred around the church, with linear development extending on either side of the lane to the south. The appeal site lies some 300 metres to the east of The Old Rectory, which marks the edge of the main village core. Apart from the adjacent dwelling, Hill Cottage, there is no other residential development along the road between The Old Rectory and the public house to the east; a distance of almost a kilometre. There is open agricultural land and woodland to either side of the road. Consequently, the two houses appear as an isolated pair of dwellings in the open countryside, rather than as part of the village. Visually, therefore, they do not lie within the settlement.
7. However, Buckland St Mary is a dispersed settlement, with small clusters of buildings in the surrounding area. The village hall and public house also lie outside the historic core. As Rural Settlements are considered to be part of the open countryside, there is no defined settlement boundary. Therefore, it is a matter of judgement whether the appeal site lies within the village. This judgement should include a consideration of the accessibility of the site to the key services that form part of the community.
8. The site lies approximately 560 metres, by road, from the church, school and bus stops in the core of the village. The village hall is within 300 metres, and the pub is about 700 metres, by road, to the east. All of these services are

within the 10 minutes' (up to about 800 metres) walking distance referred to in Manual for Streets<sup>1</sup>, that typically characterises a walkable neighbourhood. The site is as close to the church, school and bus stops as some of the dwellings at the southern end of the linear extension of the village, and is closer to the village hall than any dwelling in the main settlement. The development would not, therefore, comprise an isolated home in the countryside, as referred to by paragraph 79 of the National Planning Policy Framework (the Framework).

9. Occupants of the house would have to walk on roads without lighting and footways to access these services. However, the roads are wide enough to allow cars to safely pass pedestrians, and traffic is infrequent and slow-moving, so is unlikely to deter the use of sustainable transport options for these short journeys. As there are no footways and cycleways in the village, all residents must walk on roads to access the services, and there is no evidence to suggest that this is inherently hazardous. Occupants of the dwelling would, therefore, have reasonable access to key services, and would form part of the community that uses and supports those services. In this regard the dwelling could be considered to be part of the Rural Settlement.
10. To conclude on this issue, Buckland St Mary is a Rural Settlement which has sufficient key services to allow for housing development as part of the overall settlement strategy. The house would meet an identified need, and would be of an appropriate scale and character to meet these specific criteria of Policy SS2. Therefore, the development would broadly accord with the settlement policies of the development plan. Furthermore, occupants of the house would have reasonable access to the services in the settlement, so, in these respects, the site is suitable for a dwelling. However, its physical detachment from the main built-up part of the village, and its open countryside surroundings, leads me to conclude that the house could not reasonably be described as being within the Rural Settlement. There would, therefore, be conflict with Policies SS1 and SS2, insofar as they place a strict control over development in the countryside.

#### *Landscape character*

11. The appeal site lies in attractive open countryside, and within the AONB. Paragraph 170 of the Framework advises that planning decisions should contribute to, and enhance, the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 172 says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
12. The landscape surrounding the site comprises rolling agricultural fields, with areas of woodland, interspersed with traditional villages and small clusters of buildings. Its openness and topography give it high scenic value. The appeal site, however, is a domesticated garden containing a greenhouse and fruit cages. It is substantially enclosed from the surrounding countryside by a hedgebank and trees to the south; woodland to the north; and the high fences that separate it from the two substantial houses and their gardens to either side. It therefore does not make a particularly positive contribution to the natural local environment, or the scenic beauty of the AONB.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

13. In view of the site's largely enclosed nature, the visual impact of the dwelling would only be readily experienced from a relatively short stretch of the road passing the site. When approaching, from the east or west, it would be seen in the context of the two houses to either side. Both are larger, and closer to the road, and therefore more visually dominant, so it would have little additional impact on the rural character of the area. From the road frontage, there would be a minor loss of views through the site, to the open countryside beyond. However, this view is already experienced across a residential garden, framed by two houses, and limited by the bank on the southern side of the appeal site. Therefore, even from these localised viewpoints there would be little harm to the rural character of the area.
14. The development would consolidate this small cluster of buildings in the AONB. However, significant levels of landscaping would remain between the dwellings, so the group would not appear as a significant block of built development in the landscape. In any event, the group can only be seen together in their wider countryside setting from very distant viewpoints to the south, so there would be no material harm to the scenic beauty of the AONB. The proposal would therefore accord with Policy EQ2 of the Local Plan, which seeks, amongst other things, to conserve and enhance the landscape character of the area.

### **Planning Balance**

15. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework states that, where the policies that are most important for determining the application are out of date, permission should be granted, unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
  - ii. 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.
16. I have concluded that there would be no harm to the scenic beauty of the AONB. No other areas or assets of particular importance would be affected by the development. It is therefore necessary to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
17. I have found some conflict with Policies SS1 and SS2 of the Local Plan, but only insofar as they act to restrict housing development. I have not found any conflict with the aims of the Framework to recognise the intrinsic character and beauty of the countryside; to avoid isolated homes in the countryside; or to promote sustainable transport.
18. In terms of benefits, the development would deliver social benefit through the provision of an additional dwelling to address the shortfall in housing supply. The bungalow would also allow the existing occupants to remain in the locality. There would be economic benefits through employment during the construction phase, and through the future occupants' support for local services and businesses. In view of the small scale of the proposal, these benefits would be modest. Nevertheless, the adverse impacts, when assessed against the policies

in the Framework taken as a whole, would not significantly and demonstrably outweigh them. Therefore, the presumption in favour of sustainable development applies, and planning permission should be granted.

### **Conditions**

19. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered all the suggested conditions against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
20. A condition requiring approval of external materials is necessary to ensure that the dwelling is sympathetic to its rural setting. I have imposed a condition to ensure that satisfactory off-street parking and turning is provided before occupation of the bungalow. A condition requiring provision of a charging point for electric vehicles is necessary to comply with Policy TA1 of the Local Plan.

### **Conclusion**

21. For the reasons given above, I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLA01 – Site Location Plan; PLA02 – Site Survey; PLA03 – Proposed Site Plan; PLA04 – Proposed Floor Plans; PLA05 – Proposed Elevations; PLA06 – Garage Elevations; PLA08 – General Cross Sections.
- 3) Development shall not proceed above damp-proof course level, until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The bungalow hereby permitted shall not be occupied, until the parking and turning area shown on plan number PLA03 has been drained and surfaced, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. This area shall thereafter be kept clear of obstruction at all times, and shall not be used other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted.

- 5) The bungalow hereby permitted shall not be occupied, until an electric charging point (of a minimum 16 amps) for electric vehicles, has been provided adjacent to the parking area shown on plan number PLA03. The charging point shall thereafter be retained in working order.