



## Appeal Decision

Site Visit made on 4 December 2020

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 6 January 2021**

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### **Appeal Ref: APP/R3325/W/20/3257766**

#### **Land at Pound Road, Broadway, Ilminster**

- 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 Mrs Pat Vickery against the decision of South Somerset District Council.
  - The application Ref 20/00824/FUL, dated 9 March 2020, was refused by notice dated 13 May 2020.
  - The development proposed is Outline application with all matters reserved for residential development of 9 dwellings.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary Matters**

2. The appeal is made in outline with all matters reserved for future consideration. I have therefore assessed the submitted drawings as merely illustrative insofar as they relate to the reserved matters.
3. During the course of the appeal the Parish Council submitted a report covering the Council's current position on housing land supply. The main parties were given the opportunity to comment on its relevance and bearing on the appeal and I have taken these comments into account in reaching my decision.

#### **Main Issues**

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development would be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users.

#### **Reasons**

##### *Character and appearance*

5. Situated in a gently undulating rural landscape, the appeal site is an undeveloped field of agricultural grassland surrounded by established hedgerows. Although there is housing immediately to the south, the hedging and trees on the southern boundary physically and visually separate the site from the built environment and, forming a dominant backdrop view from the north, connect the site to its generally undeveloped rural surroundings. Given

the degree of separation and the separating presence of Pound Road, the site is also experienced as unrelated to the village of Broadway. Accordingly, the site reads as forming part of the countryside and its open, undeveloped character and verdant appearance means that it positively contributes to the surrounding area's rural landscape.

6. Eroding the site's open, verdant nature and, it seems likely to me, masking the existing boundary hedging and trees that separate the properties to the south from the undeveloped countryside, the proposed development would appear from the surrounding area as a prominent extension of the built environment into the countryside. Irrespective of the development pattern in the locality, the introduction of nine residential units into the undeveloped field would read as a significant, harmful intrusion into the rural landscape. Even allowing for the siting of the dwellings providing views through the site, the development rather than the mature trees, which the submitted Landscape and Visual Impact Assessment (LVIA) identifies as visually important, would become the dominant view from the north of the site from along Pound Road.
7. In coming to this view, I have taken account of the converted building opposite the site, that the area is not a designated landscape and of the space available within the site for areas to be left open and planted with soft landscaping, which the LVIA identifies would respectively limit the encroachment of the development into open countryside and soften its impact. I recognise that all matters, including scale and layout of the appeal proposal, are also reserved for future consideration and the low density development could thus be designed to reduce its visual impact by for example providing a suitable layout, breaking up the massing of the buildings and incorporating single-storey dwellings. Be that as it may, this does not lead me to a different conclusion.
8. The LVIA sets out that the site is mainly visible in close views from the east and the north and that it is not particularly visible in the wider area. Although I observed on my site visit that the site is also visible for some distance along the highway to the north/north-west, I noted that existing soft landscaping and built form limits visibility of the site from the west, south and south-east. Additional soft landscaping on the site and its boundary running along Pound Road could reduce the visibility of the site from the north, north-west and east. However, it seems to me that the provision of open space and planting/soft landscaping – even once established – could not realistically screen the development to such an extent that the protrusion of built form into the rural landscape would not be discernible in the locality and that its effect would only be negligible. I also note the comments of the Highway Authority regarding the need for sufficient visibility splays either side of the main vehicular entrance to ensure safe site access. Such visibility splays, particularly for the central access option, would be likely to further open up views of the site from Pound Road and reduce the extent of screening that soft landscaping could provide.
9. It has been put to me that the Council's resolution to approve a development for 35 dwellings across the road from the appeal site sets a precedent, would affect views in the locality, and means that the appeal proposal's alleged harm to the character and appearance of the locality cannot be substantiated. However, situated on the other side of Pound Road, that scheme would be closer to Broadway, which extends in a broadly linear form along Broadway Road towards that plot. I observed on my site visit that it therefore has a different context and character and reads as more related to Broadway than

the appeal site. Accordingly, the potential development of that plot does not indicate that the appeal proposal – which I have considered on its merits based on the submitted evidence – would be acceptable.

10. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policy EQ2 of the South Somerset Local Plan 2006 – 2028 (SSLP). Amongst other aspects, this requires development to promote local distinctiveness, respect local context and preserve the appearance and landscape character of the area. This policy appears to be broadly consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and conserving and enhancing the natural environment.

#### *Accessibility*

11. The distance between the site and the settlements of Broadway and Horton is not particularly significant. In theory, occupiers of the proposed development could therefore access the various local services and facilities and bus stops – which provide links to Taunton and Ilminster and their onward transport connections and employment opportunities – on foot or by bicycle. However, walking or cycling to the services, facilities and bus stops in the locality would involve crossing the relatively busy highway running past the site and/or the nearby junction and negotiating stretches of unlit highway, including Pound Road and Broadway Road, with little dedicated separation from vehicular traffic. Accessing local services, facilities and public transport on foot or by bicycle would thus neither be particularly safe nor appealing. Accordingly, the site's situation is not conducive to accessing the development except predominantly by private vehicle.
12. I accept that this may be the case for rural areas in general. Amongst other aspects, the Framework also recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in this instance, the lack of safe alternative transport options mean that future occupiers of the development would be likely to be highly reliant on one mode of transport – the private vehicle – for a significant majority of their journeys and to serve their daily needs.
13. In coming to this view, I have taken account of the restricted speed limit in the vicinity of the site, that the Highway Authority has not objected, and that Broadway is said to be a settlement recognised by the Council as a sustainable location for development and to have risen in the settlement hierarchy. It has been put to me that the scheme across the road would also provide a footway along a stretch of Broadway Road. As set out in the Planning Statement, occupiers of the appeal proposal could avail themselves of it and therefore have easier access to the services/facilities of Broadway. However, it seems to me that the provision of that footway is linked to that scheme progressing and the submitted evidence indicates that planning permission has not been granted as of yet. Even if that scheme were to be approved and the development and footway constructed, occupiers of the appeal proposal wishing to walk to Broadway or Horton would still have to cross the highway and/or nearby junction and negotiate stretches of unlit highway containing no separate footway. The appellant's suggestion of securing by condition a new footway along the site frontage would not resolve this.

14. For the above reasons, I conclude that the proposed development would not be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users. I therefore find that it conflicts with SSLP Policy TA5. Amongst other aspects, this requires development to be designed to maximise the potential for sustainable transport through, amongst other aspects, securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all. This policy appears to be broadly consistent with the provisions in the Framework in relation to promoting sustainable transport, including pursuing opportunities to promote walking, cycling and public transport and achieving safe and suitable access to the site for all users.

### **Other matters**

15. After the Council's decision on the planning application, Natural England provided advice regarding the effect of development proposals in the district on designated nature conservation sites due to the potential for, in particular, residential development to lead to increases in phosphates and nitrates. This indicates that the appeal proposal may be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of designated areas. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

16. During the course of the appeal, the Council completed an assessment of housing land supply, *Five-Year Housing Land Supply Paper* (November 2020). The Council sets out that the report, covering housing supply over the period 2020-2025, demonstrates that it now has a supply equivalent to 6 years. Given the Council's latest position with respect to housing land supply, it suggests that SSLP Policy SS2 now carries significant weight and it alleges that the appeal proposal, due to the site's rural location and lack of evidence to meet local housing need, does also not accord with this policy.

17. It has been put to me that the change in housing land supply neither indicates that the appeal proposal cannot be acceptable in policy terms nor means that there is an automatic policy objection to it. The Council's housing policies are said to have reached a point where they require updating, as evidenced by its on-going local plan review. My attention has also been drawn to SSLP Policy SS2 preceding the current version of the Framework.

18. Be that as it may, it has not been alleged that the policies that are most important for determining the application are out of date and from the evidence before me I am satisfied that they are broadly consistent with the Framework. Paragraph 213 of the Framework also states that 'existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework' and that '[d]ue weight should be given to them, according to their degree of consistency with this Framework'. With limited evidence to indicate otherwise or which question the validity of the data and findings in the Council's housing land supply paper, I am also satisfied that it provides an up-to-date picture of housing land supply in the district.

19. Accordingly, the approach to decision making set out in paragraph 11d of the Framework and the latter part of SSLP Policy SD1 is now not applicable in this case and I consider that there is no reason, in this instance, why the development plan's policies that are most important for the determination of

this appeal should not be accorded very substantial weight. However, whilst I take the main parties' representations on the relevance of SSLP Policy SS2 to the appeal proposal, they do not lead me to a different overall conclusion on the main issues. Given I am dismissing the appeal in relation to those main issues, with regards to the refusal reason and policies listed in the Council's Decision Notice, it is also not necessary to pursue this matter further because it could not lead me to a different overall decision.

### **Planning Balance**

20. The planning application was made in outline with all matters reserved for future consideration. I have therefore determined the appeal on the basis that the matters of access, appearance, landscaping, layout and scale would be considered and designed at a later stage. Nevertheless, for the above reasons, I have found that the proposed development would harm the character and appearance of the surrounding area and would not be in an appropriate location with regard to access to services and facilities that is safe and addresses the needs of all users. Accordingly, it conflicts with SSLP Policies EQ2 and TA5 and the provisions in the Framework in relation to achieving well-designed places, conserving and enhancing the natural environment and promoting sustainable transport.
21. As set out in the Design and Access Statement, the proposed dwellings would not be sited in close proximity to the site's boundaries in order to protect biodiversity. It is said that the appeal proposal, including through the planting of native species and the provision of items such as bird and bat boxes, would also contribute towards local biodiversity and provide significant biodiversity/habitat net gain. Although such measures would provide some ecological benefits and could be secured at reserved matters stage, I have little substantive evidence which indicates that the proposed development would result in significant biodiversity gain. It seems to me that any biodiversity benefits would also be tempered to some extent by developing an undeveloped field, while the lack of harm to wildlife is neutral in the planning balance rather than counting as a benefit. Avoiding harming the living conditions of adjoining occupiers, including by providing a buffer to the nearest dwelling, is also neutral in the balance.
22. It has been put to me that construction is a critical part of the economic recovery post-pandemic, that the economic situation changed during 2020, with the country being on the cusp of a recession, and that, as set out in the Framework, businesses need incentives to invest, adapt, expand and grow. Already attracting strong interest from local companies and developers, the development is also said to be ideal for a small- or medium-sized construction businesses, would sustain local builders merchants and would provide significant local jobs for construction workers and skilled tradesmen.
23. The site is capable of accommodating a mix of sufficiently-sized accessible housing with good sized gardens in a loose grain that would break up the mass of the development. The provision of additional housing, supported by the Framework and identified as needed by the adopted development plan and the emerging local plan review, would help to meet demand, including for rural housing. The opportunity to provide a range of dwellings, including bungalows, on a smaller site would respond to the local housing needs survey, which amongst other aspects identified a demand for smaller dwellings, and would

contribute to the social mix of the locality. The occupiers of the proposed development would also generate some tax revenues and be likely to use local services and facilities in Broadway and Horton – noted in the emerging local plan review as sustainable rural settlements – which would in turn help to support the vitality of the rural community. Its construction would provide benefits in relation to employment and construction businesses, including potentially for smaller, local companies. Some biodiversity net gain could also be secured at reserved matters stage.

24. However, given the scale of the development, I am satisfied that the totality of its economic, social and environmental benefits would be relatively limited. The evidence before me also indicates that there is now a sufficient supply of housing land in the district. The harm I have identified above, which could not be overcome by the imposition of planning conditions, and the conflict with the development plan is therefore not outweighed by these considerations and is sufficient for me to find against the proposal. Even if the policies that are most important for determining the appeal were considered to be out of date, which the submitted evidence does not indicate, I find that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in this Framework taken as a whole.

### **Conclusion**

25. For the above reasons, the appeal is dismissed.

*T Gethin*

INSPECTOR