



## Appeal Decision

Site visit made on 13 December 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

---

### Appeal Ref: APP/E3335/W/23/3320034

### Land North of North Hays, Wigborough, South Petherton TA13 5LP

- 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 Kevin Morris against the decision of South Somerset District Council.
  - The application Ref 21/02972/FUL, dated 29 September 2021, was refused by notice dated 2 February 2023.
  - The development proposed is the erection of a self build dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would represent development which would be acceptable in terms of principle and sustainability.

### Reasons

3. The appeal site is an orchard originally associated with the large house to the south (North Hays) and most recently part of the curtilage of an abutting barn to the east which has been converted to residential use (ref 19/02915/FUL). It is located at the edge of the attractive small village of Wigborough and largely screened by walling and hedging from the adjoining narrow lane which offers vehicular access to the site and the barn conversion. There is an open aspect to a field to the north. The character of the area is rural with the informal arrangement of generally older well-designed properties, lanes, trees, agricultural land and gardens all coming together to create a locality of very pleasing appearance.
  4. The proposal is for the erection of a detached 1.5 storey dwelling with 4 bedrooms, constructed with traditional materials and offering parking for at least 4 cars and including an electric charging point.
  5. The South Somerset Local Plan (2006-2028) (LP) includes a range of policies that are cited by the principal parties and which I shall summarise. Policy SD1 is concerned with securing sustainable development. Policies SS1 and SS5 underline the settlement strategy and its delivery; which is primarily to focus on larger places with some allowances for smaller settlements. Policy
-

SS2 introduces a limited number of allowances but generally strict control on residential development in rural settlements. Policies TA1 and TA5 seek sustainable and non-car travel options for travel. These development plan policies are to my mind of a well-rehearsed nature. Taken at face value they would all combine to generally prevent a new dwelling in a small hamlet with effectively no services and rural lane communications even within a bigger picture of a group villages with some facilities. They all broadly follow a similar thrust to the control of rural development in the National Planning Policy Framework (the Framework).

6. The Appellant cites a shortfall in the five-year housing land supply (HLS) and hence argues that this, plus the age of the Local Plan, would deem pertinent LP policies out of date. I have little information on HLS and the matter is complicated by the creation of Somerset Council in April 2023 'absorbing' South Somerset District Council. However, as I note above, the cited policies are reflective of the Framework's stance and I would consider my task to be an assessment of whether or not the appeal scheme would represent sustainable development.
7. The Appellant also makes considerable play of the self build nature of the scheme and I can see that this is a legitimate definition in this case. There is considerable local and national policy, advice and guidance on this matter, helpfully drawn out by the Appellant. There is a clear leaning towards planning assistance for this group of people. However, nothing I have seen or read generally, or in evidence, would suggest that if a scheme would not represent sustainable development, then merely because it has a self build categorisation it should be permitted. One can imagine the figurative flood gates to unsustainable development would be opened if that were to be the case.
8. The Framework has a presumption in favour of sustainable development. Using that document's content, I must assess whether the appeal scheme falls within the sustainable development category, which embodies economic, social and environmental objectives. As the Framework makes clear the development should be approved unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the document taken as a whole.
9. From my perspective I see some economic gain during construction and from an additional family locally but in reality, this would be nominal within any settlement. The property would provide the social benefit of another household in the locality occupied by local people, and of a further home to meet any shortfall in the District; albeit numerically any gain would be minimal. On the environmental front there would be erosion of the character of the rural area given a substantial new home and its inevitable paraphernalia which would occupy presently open land. Furthermore, the dwelling would not accord with the Framework's aim to achieve sustainable patterns of growth; as I describe above, Wigborough is a small rural hamlet. Finally given the almost total lack of other options residents here would rely

almost solely on travel by private car with the environmental implications that entails.

10. I should add that EV charging points may be an attribute for existing rural dwellings but I am not persuaded that they should be seen as a lever for allowing dwellings which would otherwise conflict with settlement strategy and hierarchy. I say this not least because, again, rather like the self build argument, the flood gates to unsuitably located new housing development could open.
11. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with the purpose of the planning system and the central thrust of the Framework. The adverse impacts on the environmental front would significantly and demonstrably outweigh the economic, social and other benefits including the contribution which would be made to housing land supply. I conclude that the appeal would not accord with local or national planning policy.

*Other matters*

12. I recognise and sympathise with the change in family circumstances which has seemingly been the trigger for the appeal proposal and I hope the family might find a way to live locally. I have carefully considered the other planning and appeal decisions elsewhere which have been cited by the Appellant. However, because of appreciable variations in, for example, settlement location, scale of villages and proposals, applicable planning policies, or degree of housing land supply contributions I found none to offer a 'precedent' argument and, in any event, I must assess the scheme before me on its own merits.
13. I note the specific policy references from elsewhere on the self-build matter, although I am not convinced that even these would open the door to this scheme, but clearly policy change here will need to be via the development plan process. I appreciate the bio-diversity and anti-climate change initiatives that would be incorporated in the scheme and the commendable work which has been undertaken to overcome hurdles on the ecological front.
14. I have carefully considered all points raised by the Appellant and these matters, individually or cumulatively, do not outweigh the concerns which I have in relation to the main issue identified above.

*Overall conclusion*

15. For the reasons given above I conclude that the appeal proposal would represent unacceptable development in terms of its principle and sustainability. Accordingly, the appeal is dismissed.

*D Cramond*

INSPECTOR