



Appeal Decision

Site visit made on 19 February 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/E3335/W/23/3324772

Land east of Quarry Hill, Blackford, Maperton

- 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 Hopkins Estates Ltd against the decision of Somerset Council.
 - The application Ref 21/03148/FUL, dated 18 October 2021, was refused by notice dated 9 May 2023.
 - The development proposed is erection of one dwelling, extension of residential curtilage of Church Farm and Church Farm Cottage, woodland planting and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's decision notice as it more accurately encompasses all elements of the proposal.
3. Despite not being a reason for refusal, I have addressed the effects of the proposal on the Somerset Levels and Moors Special Protection Area and Ramsar sites (the Protected Sites) as a main issue. A unilateral undertaking dated 7 November 2023 was submitted to address such effects, which I have taken into consideration.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the proposal would accord with local policies which seek to locate new dwellings where occupiers can access local services and facilities whilst minimising reliance on private vehicles; and
 - the effects of the proposal on the Protected Sites.

Reasons

Location of development

5. The site lies to the east of Quarry Hill amongst a cluster of dwellings in the small village of Blackford. The site is outside of, but adjacent to Blackford Conservation Area (CA), and there is a nearby Grade II* listed building, *Church of St Michael* (The Church) (List Entry Number 1056557) visible from the site. The Church is the only local facility in the village.
6. The proposal seeks to construct a single dwelling and associated home office and garage on the site.

7. Under the South Somerset Local Plan (Local Plan) (adopted 2015), Policy SD1 echoes the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework). Policy SS1 sets out the settlement hierarchy for the plan area, with Yeovil identified as the strategically significant town and prime focus for development in the plan area.
8. After Yeovil there are two tiers of settlement where provision is to be made for housing, employment, shopping and other services to enhance their roles as service centres: 'Primary Market Towns' and 'Local Market Towns'. The fourth tier of settlement are the 'Rural Centres' of Bruton, Ilchester, Martock/Bower Hinton, Milborne Port, South Petherton and Stoke sub Hamdon. In these settlements, development will be permitted where it would meet local needs and provide services appropriate to the scale of the respective settlement. The settlement of Blackford does not fall within any named settlement identified within Policy SS1 and is therefore to be treated as being in the open countryside to which national countryside protection policies apply and subject to the exceptions identified in Policy SS2. The proposal does not fall within one of the exceptions identified in Policy SS2 as a proposal for either an employment or community facility or affordable dwelling.
9. Even though not included within the reasons for refusal, the Appellant's Statement highlights that Local Plan Policies SS2 and TA5 require that proposals for new housing development should have access to two or more services and be designed to maximise the potential for sustainable transport. Despite being older than the most recent version of the Framework, these Policies have been prepared in the context of the Framework which has maintained an expectation that patterns of growth should be actively managed to support the sustainable transport agenda, through limiting the need to travel and offering a genuine choice of transport modes. These Policies also reflect the Framework's desire to locate housing where it will enhance the vitality of rural communities and with recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
10. The site is around 5km from Wincanton which is identified in Local Plan Policy SS1 as a Primary Market Town. It also lies around 1.3km from Compton Pouncefoot which is another unidentified rural settlement. A number of other facilities based in other unidentified rural settlements are highlighted by the Appellant, indicating that whilst the site is not particularly close to a 'Rural Centre', a range of basic everyday facilities (primary schools, a shop etc.) can be accessed within around 5 – 10 minutes' drive from the site.
11. I considered the prospect of the surrounding road network being used for journeys on foot or bicycle. The distances to anywhere of note on foot would be prohibitive and the road network generally too rural in nature to be conducive to such given the absence of footways and streetlighting. On the other hand, though I do not accept that simply providing cycle storage would equate to occupiers being incentivised or sufficiently capable of cycling regularly along undulating rural road routes, the use of bicycles (including electric bicycles) could replace a nominal amount of vehicle trips, largely other than those that would involve transporting children or purchasing heavy goods.
12. In terms of public transport, my attention has been drawn to around one weekly service that operates in the area which is extremely limited. The evidence does not suggest there are any public transport services that

specifically or conveniently link to the facilities in outlying villages highlighted by the Appellant. The nearest railway station is at Templecombe around 17 minutes' drive away which also indicates that the train network is not within easy reach either.

13. The scheme would provide a home office and in a location that offers connectivity to ultra-fast fibre broadband. These measures could help to offset any commuting journeys that might otherwise be made to and from an occupier's place of work. In addition, the Appellant raises the ability for occupiers to make use of home deliveries from supermarkets which undertake multi-drop trips to maximise journey efficiency. I accept that these options are available and, if used, could materially lessen the occupier's dependency on private vehicle trips from the home.
14. However, there are a multitude of reasons that people need to travel in order to lead fulfilling lives. With the relative absence of even basic facilities locally, the number of unavoidable journeys to meet the needs of a family would still be significant and only few journeys would be within the modest range highlighted by the Appellant. Electrifying the mode of transportation should not be a substitute for seeking to locate development more sustainably in the first instance and providing an electric vehicle charging point does not guarantee that the unavoidable journeys would be made by electric vehicle in any event.
15. Drawing these points together, the site is located in the countryside, would not have access to at least two facilities and could not realistically make use of any public transport facility. Thus, my view is that any future occupiers would be heavily reliant on the use of private vehicles and that the proposal therefore conflicts with, in particular, Policy SS1, SS2 and TA5 of the Local Plan.

Effects on the Protected Sites

16. The appeal site is within the catchment of the Protected Sites which are designated under the Conservation of Species and Habitats Regulations 2017, as amended (Habitats Regulations). The condition of the Protected Sites is deteriorating due to increased nutrient loads, in particular phosphates. The addition of overnight accommodation and new residents which increase the amount of foul water produced in the catchment area will be likely to increase the phosphorus loading and further unbalance the nutrient levels within the SPA. Significant effects from the development are therefore incapable of being ruled out and are considered likely.
17. The appeal application was submitted with a Shadow Habitat Regulations Assessment¹ which outlines that the proposed dwelling would be served by a specified package treatment plant (PTP) as no mains sewers connections are available. In addition, the proposal would change the land use of 0.357 hectares of agricultural land within the land owned by the Appellant edged in blue to woodland. In doing this, the development would offset the full amount of phosphorus of 0.2kg/annum (including 20% buffer). The scientific evidence therefore points to the development being able to secure nutrient neutrality through conditions and the submitted UU which requires the provision and maintenance of the woodland in perpetuity.

¹ Abricon, Ref 022HOPK100, dated February 2023

18. I have had regard to the Council's acceptance that this matter could be satisfactorily addressed and the requirements of the Habitats Regulations to undertake an Appropriate Assessment and robustly secure any proposed mitigation at the appropriate juncture. My view is, subject to adequate conditions and the submitted UU, the proposal could avoid harm to the integrity of the Protected Sites and achieve compliance with the Habitats Regulations.

Other Matters

Built Form and Heritage

19. In terms of the effects on the designated heritage assets and integration with the surrounding built form, I note that these aspects are not in dispute between the parties.
20. Given the proximity of the dwelling to an existing cluster of dwellings, it would appear as an extension of the village and at a scale that would be appropriate for the settlement size. I am less persuaded that it would fall to be considered an infill proposal given the separation that would remain between the appeal site and other dwelling, The Granary, which sits removed from the core of the village. Nonetheless, as presented, the scheme would not harm the character or appearance of the area in terms of its siting, form or design or detract from the Conservation Area's significance.
21. Nonetheless, the proposal would result in an element of domestic intrusion within the streetscene that would partially obscure views to the Church from Quarry Lane and add to its sense of enclosure by built form from within the churchyard. The scale, form, siting and design of the dwelling would help to minimise the effects such that the overall harm to its setting, and thus significance, would be towards the lower end of less than substantial when considered under the terms of the Framework.
22. The Framework requires that where a proposal would generate less than substantial harm to the significance of a designated heritage asset, it should be weighed against the public benefits of the proposal. In my view, the lower level of less than substantial harm would be sufficiently outweighed by the public benefit of the addition of a dwelling to the local housing stock.

Housing Land Supply

23. The evidence details that the Council is currently incapable of demonstrating an adequate supply of housing land to meet the minimum five year requirement set out in the Framework. The parties provided an indication that the current supply is between a range of around 2.85 – 3.10 years' worth, taken from a base date of 1 April 2023 and using an annual requirement of 709 dwellings.
24. In such circumstances, paragraph 11 d) of the Framework applies. Paragraph 11 d) directs that in such circumstances, permission should be granted unless, (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I return to this in the planning balance below.

Planning Balance and Conclusion

25. The proposal could secure adequate mitigation to avoid harm to the Protected Sites. Though the public benefits of the scheme would outweigh the harm to the significance of the designated heritage asset, the limited harm is still an aspect that weighs proportionately in the overall balance. However, the principal issue of where the site is located and the dependence of future occupiers on the private vehicle is the key reason that the scheme is in conflict with the development plan when taken as a whole.
26. In terms of the benefits of the proposal, a single dwelling would make a small but valuable contribution to addressing the identified shortfall, and thus, attracts modest weight in favour of the scheme commensurate with its scale. I note that the dwelling would be highly energy efficient consistent with other dwellings built by the Appellant company. It would produce modest additional economic and social support for businesses in the outlying rural communities through the future occupiers' reliance on such. It would also result in a modest economic contribution during the temporary construction phase.
27. Insofar as other harms would be avoided through either design or the imposition of planning conditions, these aspects are of neutral effect on the overall planning balance. The modest expansion of adjoining neighbours' gardens are also largely private benefits of the scheme.
28. However, even taking account of the reduced weight I attribute the spatial strategy of the development plan given the engagement of the tilted balance, the reliance by future occupiers on the private vehicle would still equate to significant and demonstrable harms that outweigh the totality of public benefits of the scheme. Accordingly, the tilted balance does not form a consideration of such materiality that it indicates that permission should be granted other than in accordance with the development plan and nor are there any other considerations that do so either individually or cumulatively.
29. For the foregoing reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR