



Appeal Decision

Site visit made on 16 July 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/R3325/W/24/3343804

Aunt Emilys, Low Ham Road, Low Ham, Langport, Somerset TA10 9DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Skeet against the decision of South Somerset District Council.
 - The application Ref is 23/00324/FUL.
 - The development proposed is demolition of existing buildings and erection of a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address and description of the proposal as set out in the Council's Decision Notice, as they are clearer and more concise than those used in the application form. I am satisfied that no party would be prejudiced as a result.

Main Issue

3. The main issue is whether the proposal would be acceptable, having regard to access to services and facilities and the character and appearance of the area.

Reasons

4. The site consists of rural buildings located adjacent to a ribbon of dwellings, forming part of a small hamlet within the countryside. The proposal seeks to demolish the existing buildings on the site and to erect a dwelling, together with the creation of an access track.
5. I understand that some of the existing buildings were last used as a dwellinghouse, albeit many years ago, having subsequently been abandoned. An application for a Certificate of Lawfulness for residential use was refused and dismissed on appeal¹. Consequently, the proposal before me would represent the erection of a new dwelling, rather than a replacement. The circumstances are therefore different from the appeal cited at Codnor, Derbyshire², where residential use was found to be lawful.
6. Policy EQ2 of the South Somerset Local Plan (SSLP), adopted March 2015, requires proposals to make efficient use of land, having regard to accessibility.

¹ PINS reference APP/R3325/X/17/3171608

² PINS reference APP/M1005/A/10/2138787

Low Ham has a church, cafe, cider shop and beauty business. It is connected to the National Cycle Network, and Superfast broadband may be available. However, it has few other local facilities, such as a convenience shop, Post Office, village hall or children's play area. No nearby public transport provision has been drawn to my attention.

7. Some facilities, such as a school and playing field, are within High Ham, identified as a Rural Settlement in the SSLP, where new housing has been approved. Langport and other settlements are a few miles away and data shows no recent traffic-related incidents locally. However, from the appeal site, even the closest facility could be accessed only by using unlit country lanes, with little or no footway. As such, their use by foot or bicycle would be unsuitable particularly at night, in inclement weather or for those of limited mobility. On this basis, future occupiers of the proposal would be heavily reliant on private vehicles to access many day-to-day services and facilities.
8. SSLP Policy EQ2 also requires that development must promote local distinctiveness and preserve the character and appearance of the area. Although the site may no longer be suitable for farming, the existing buildings have an agricultural appearance. The proposal would be of contemporary design including four structures linked by glazing, intended to reflect a cluster of agricultural buildings. It would re-use elements of the existing built form, albeit following demolition, and with a smaller footprint.
9. However, although the proposal may well be built to a high standard, the clustered but separate position of the new buildings would result in an oddly disjointed appearance. Furthermore, the variety of proposed roofs, some flat, and the different external materials would add to its complex, incohesive appearance. This would not reflect the rustic, functional layout and appearance of the farm buildings currently at the site. Accordingly, the proposal would undermine the rural, agricultural character of the site and its surroundings.
10. Examples have been provided of other dwellings granted planning permission within a two-mile radius of the site. However, I understand that many of these are in other settlements, such as High Ham, or involve the conversion of existing buildings, and so involve different planning policies and legislation. As such, they are not directly comparable to the proposal. The limited support at Paragraph 84 of the National Planning Policy Framework (the Framework) for new homes in the countryside does not apply here, because the site is not isolated.
11. For the reasons given above, the proposal would not be acceptable having regard to access to services and facilities, and the character and appearance of the area. It would therefore conflict with SSLP Policy EQ2. This policy is consistent with the Framework, which encourages sustainable travel modes, and requires development to be sympathetic to the local built environment, with which the proposal would also conflict. As a result, I give this conflict significant weight.

Other Considerations

12. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. Consequently, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in

addressing its undersupply, as set out in Framework Paragraph 11. SSLP Policy SD1 makes similar requirements.

13. I have found conflict with SSLP Policy EQ2, which is consistent with the Framework. Against that, the proposal would make a positive addition to the supply of housing, for a self/custom-build unit and one which may be more affordable than other properties locally. However, as only one dwelling, its contribution to the supply of housing would be small.
14. Future occupiers of the proposal would generate social and economic benefits, as would its construction. It would be built to high environmental standards and would result in biodiversity enhancements, such as new native planting and a bat access tile. It would also result in the removal of the existing dilapidated buildings. However, due to the modest size of the proposal, I give these benefits only limited weight.
15. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving the Grade II listed building known as Dobbins, and its setting. The Council did not identify any harm in these respects. Given its distance from the site, I see no reason to disagree.
16. I have taken into account the support for the proposal made in representations. I have also noted concerns about the Council's handling of this and previous planning applications. However, I have considered the proposal solely on its planning merits.

Planning Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole and against SSLP Policy SD1.
18. The site lies within the catchment area of the Somerset Levels and Moors Special Protection Area and listed Ramsar site (the SPA), protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found the proposal acceptable in other respects, as competent authority I would have carried out an Appropriate Assessment of the potential effects on the SPA. However, as I have found otherwise, this matter need not be considered any further in this case.
19. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR