



Appeal Decision

Site visit made on 28 October 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/E3335/W/24/3342515

Land at Downside Farm Cottages, Stockhill Road, Chilcompton, Somerset BA3 4JG

- 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 Mr Garnet Banwell against the decision of Somerset Council.
 - The application reference is 2023/0532/OUT
 - The development proposed is outline planning application for the erection of 1 no. detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application sought outline planning permission with all matters reserved, albeit drawings have been submitted that depict a layout, floorplans, and elevations (drawing refs: 317 PL_04 and 317 PL_05). Both the Council and the appellant have referred to these drawings as being illustrative, with all matters being reserved. For the avoidance of doubt I have considered the appeal on the same basis, that is, all matters being reserved for future consideration.

Main Issues

3. The main issues in this case are:-
 - the effect of the proposal upon the character and appearance of the area; and
 - whether the site would be in a suitable location for residential development having regard to national and local planning policy.

Reasons

Character and Appearance

4. The appeal site is part of the garden of one of the semi-detached houses known as Downside Farm Cottages. Positioned close to the junction of Stock Hill with Stockhill Road, these houses have generous side gardens. Opposite the cottages is a group of detached houses, and there are fields to the north and east. Beyond the road to the south the fields drop away steeply, providing extensive panoramic views over the valley and nearby hills.

5. To either side of Stockhill Road there is a mix of ages and styles of mostly residential properties, and they form long, mostly continuous rows to either side of the highway. To the western side of the road the line of dwellings extends just south of Coalpit Lane, beyond which there are two further dwellings positioned within generous gardens. Neither of these houses forms part of, nor continues the long row of similarly positioned dwellings within their plots that characterises the road. Along with Downside Farm Cottages, these two houses form part of a loose cluster of dwellings that creates a transitional effect between the densely repeated built-up frontages along Stockhill Road with the open countryside beyond. This effect is particularly evident with the cottages because of their clear separation from either row of houses by fields.
6. Although the proposed detached dwelling would be within part of the side garden of one of the cottages, it would harmfully elongate as well as consolidate the loose cluster of residential development. The harmful impact of the scheme would be exaggerated by the concentrated clustering of three dwellings in close proximity to each other, a harm which would be accentuated by the significant reduction in the size of the garden of the host dwelling. Furthermore, this group would be set apart from either of the rows of dwellings along Stockhill Road, and the additional dwelling at one end of the group would not appear as infill. Given the panoramic views available within the area, the close proximity of three homes would appear conspicuously intrusive, and particularly so given their detachment from the nearby rows of housing.
7. It may be that the dwelling could be designed to harmonise with those nearby, but even with such measures, an additional dwelling and the associated duplication and proliferation of residential paraphernalia and parking provision would all serve to compound the harmfully intrusive nature of the proposal.
8. For these reasons, the scheme would unacceptably harm the character and appearance of the area, and the suggested conditions would not mitigate these harms. The scheme would fail to accord with the requirements of Policies DP1, DP4, and DP7 of the Mendip District Local Plan Strategy and Policies (2014) (LP), and the supporting guidance in the Council's Greenspace Supplementary Planning Document (2023). These seek, amongst other things, attractive places, that development contributes positively to the maintenance and enhancement of local identity and distinctiveness, and that which does not significantly degrade the quality of the local landscape, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Location

9. LP Policies CP1, CP2, and CP4 set out the Council's strategy for the sustainable provision of housing development, primarily seeking its location in towns and larger villages with key community facilities. LP Policy CP1 identifies Chilcompton as a primary village, offering key community facilities, public transport services, and employment opportunities, albeit despite these policies, the Council have a continued under-supply of housing.
10. The Framework recognises that sustainable development can include housing where it will enhance or maintain the vitality of rural communities. However, in achieving this the Framework also requires that development should add to the overall quality of an area as well as being sympathetic to the surrounding built environment and landscape. As I have found the scheme would

unacceptably harm the character and appearance of the area, the dwelling would fail to accord with these objectives.

11. Given the proximity of nearby dwellings, the scheme would not be isolated from others as it would form part of the loose knit cluster of homes found to one end of Stockhill Road. Although the appellant considers the site to be an edge of village location, it would be positioned over 1km from the nearby services and facilities that exist within the village. Near to the appeal site the highway is neither lit, nor are there public footways, and the road has narrow sections that would result in pedestrians and cyclists being very close to passing traffic. These factors, along with the distances involved would mean that walking or cycling to the village may not be an attractive option for future occupiers of the dwelling. The village has a variety of services and facilities, but the location of the home and the nature of the journey would be such that it would not afford a convenient alternative to private vehicles. For these reasons the scheme would fail to accord with LP Policy DP9, which seeks amongst other things, that development can be accessed by a variety of means of travel, thereby reflecting similar objectives of the Framework.
12. The appellant has drawn my attention to the Council's recent permission for a dwelling along Stockhill Road (application ref: 2023/1850/FUL). However, this dwelling would be part of the row of houses and bungalows found along Stockhill Road, and future occupiers would be closer to the village facilities and services than would occur for those at the appeal site. Given these significant differences, this permission does not form a binding precedent for allowing the appeal.

Other Matters

13. The appellant has expressed concerns regarding the Council's handling of the original application, including the time taken to determine it. However, such concerns fall to be pursued by other means separate from the planning merits of the case and are not for me to consider.

Planning Balance

14. The Council cannot demonstrate a five-year housing land supply, and the Framework requires that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
15. The Framework acknowledges the importance that small sites can make to meeting housing requirements, and this and the level of significant shortfall of provision in the Council's area (at about 3.76 years) is such that the provision of a single dwelling would make a small, but important contribution to housing supply. Economic benefits would arise from the construction of the dwelling and from the New Homes bonus. These would be modest, time-limited benefits weighing in favour of the scheme. Further modest, ongoing economic and social benefits would arise from future occupiers supporting nearby services and facilities.
16. Weighing against these modest benefits would be the environmental harms, and these harms weigh heavily against the scheme. An additional home would be delivered upon a small site, but in doing so it would cause unacceptable

harm to the character and appearance of the area. Further harm would also arise from future occupiers utilising private vehicles. The scheme would conflict with LP Policies DP1, DP4, DP7, and DP9 and these are broadly consistent with the Framework, as the Framework also requires development to add to the quality of an area, and to promote walking, cycling and public transport as a means of travel.

17. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental impacts in this case amount to cumulative harm which significantly and demonstrably outweighs the modest economic and social benefits, including the weight deriving from the provision of an additional dwelling, when assessed against the policies in the Framework as a whole. It follows that the presumption in favour of sustainable development does not apply.

Conclusion

18. For the above reasons the adverse impacts arising from the scheme would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these harms. The scheme would conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding.
19. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR