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# Appeal Decision

Site visit made on 14 November 2016

**by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 09 December 2016**

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**Appeal Ref: APP/H3320/W/16/3152166**

**Land to the north of Ellersdown Lane, Brushford, Dulverton, Somerset**

- 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 and Mrs B and K Summers against the decision of West Somerset Council.
  - The application Ref 3/04/15/004, dated 23 April 2015, was refused by notice dated 24 March 2016.
  - The development is proposed residential development of 13 properties including associated landscaping, parking and a new vehicular and pedestrian access from Ellersdown Lane.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. During the course of the appeal the Council adopted the West Somerset District Local Plan to 2032 (WSLP). Policies of the then emerging WSLP were referred to in the Council's decision notice and both main parties have referred to relevant policies in their evidence. I have therefore considered the appeal against the policies of this plan, as opposed to the 2006 Local Plan.
3. The appellant has requested that I consider a revised drawing showing a smaller application site to that considered by the Council. The Council has indicated that it has no objections to the revised drawing. I have considered this drawing under the principles established by the Courts in Wheatcroft and I am satisfied that it does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the revised drawing.

## Main Issues

4. The main issues in this case are the effect of the proposal upon:
    - the character and appearance of the area, having particular regard to the design of the new access and proposed widening of Ellersdown Lane; and
    - highway safety, having particular regard to vehicles associated with the development using Ellersdown Lane and its junction with Pounds Close.
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## **Reasons**

### *Character and Appearance*

5. The appeal site is located off Ellersdown Lane, which lies on the northern edge of the built form of Brushford. The appeal site is bounded by hedgerows to the south and west and an existing farm access to the east. It is currently in agricultural use for grazing. The site is located directly adjacent to existing residential development to the south and west and by further agricultural land to the north and east.
6. The appeal proposal is for the erection of 13 dwellings with vehicular access to be made from Ellersdown Lane. It includes the widening of Ellersdown Lane from 2.1 metres to 5 metres and the construction of a 1.8 metre wide footway between the appeal site and Pounds Close. The widening of Ellersdown Lane would involve the removal of a hedgebank along the site frontage.
7. Ellersdown Lane is a narrow rural road with no pavements or street lighting. It provides vehicular access to a total of 27 residential properties. The southern side of the lane is characterised by residential development with many of the dwellings having parking areas accessed off the lane. By contrast, the northern side of the lane is characterised by a mature hedgebank and verges providing a distinction between the built up part of the village and the open fields beyond. The width of the road and the tall hedgebank, taken with the more limited landscaping on the southern side of the lane, creates a sense of enclosure, giving the lane an attractive rural appearance.
8. The appellant's Landscape and Visual Appraisal identified the existing hedgebanks as the main landscape feature of the site. It also found that the widening of the lane and the provision of a footway would change to some extent the character of Ellersdown Lane. Whilst noting this assessment, I find that the widening of the lane and provision of a footway would have a significant, urbanising effect on the character and appearance of it. This in turn would have an adverse effect upon the rural setting of the northern part of the village. The proposed works would not be harmonious with the settlement's existing character or make a positive contribution to the local environment. This would be in conflict with Policies SV1 and NH10 of the WSLP. The provision of a new or relocated hedgebank along the frontage of the site would not mitigate the harm that would be caused.
9. The Council's decision notice refers to Policy NH3 of the WSLP. This relates to nature conservation and the protection and enhancement of biodiversity. Whilst there may be instances where the loss of an established hedgerow may have an adverse effect upon nature conservation and biodiversity, I have not been provided with substantive evidence that this is the case. I note that the Council's ecologist raised no objection to the proposal, providing the recommendations of the appellant's ecological report were undertaken. Accordingly, I find that there would be no conflict with this policy.

### *Highway Safety*

10. There is no dispute between the main parties that the proposal would result in an increase in vehicle movements in Ellersdown Lane and the junction with

Pounds Close. Even taking the Council's estimate that the scheme would result in an increase of 900 additional vehicle movements each week, I find that such an increase would not be significant. This view is recognised by the Highway Authority in its consultation response.

11. I observed on my site visit that the junction of Pound Close with Ellersdown Lane was limited in terms of width and turning radii. This makes turning out of Pound Close a difficult manoeuvre. Given the local highway conditions, I can appreciate local residents' concerns about potential conflict between vehicles and pedestrians at this junction.
12. However, the proposal includes the widening of Pound Close at its northern end. The increase in width of this road and Ellersdown Lane would give a greater turning radius for vehicles using the junction and would allow vehicles to pass, thus limiting instances where vehicles would need to wait in the carriageway. Furthermore, the new footway along Pound Close and Ellersdown Lane would allow pedestrians using the roads a safe refuge from vehicles using the junction. This would be a highway safety benefit to both existing residents of the village, and the intended future occupiers of the new dwellings. I do not share the Council's view that the proposal would affect the free flow of traffic to a degree that would cause inconvenience or safety issues to other road users.
13. The National Planning Policy Framework (the Framework) makes it clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This has not been demonstrated in this case. In light of the foregoing, and in the absence of substantive evidence to demonstrate otherwise, I conclude that the proposal would not result in harm to highway safety. The fact that the Highway Authority raised no objections to the proposal supports the conclusion that I have reached in respect of this matter.
14. The Council consider that an alternative access could be provided which would address its concerns. This matter is not before me and I obliged to determine the appeal on the same basis that the Council determined the planning application. It is on this basis that I have considered the appeal proposal.

## **Other Matters**

15. The appellant considers that the Council cannot demonstrate a five year supply of deliverable housing sites and as such its policies for the supply of housing are not up-to-date. My attention has been drawn to an appeal decision<sup>1</sup> to support this assertion. This decision was issued in 2014 and the Council accepted at that time that it was unable to demonstrate a five year supply of housing sites. However since that time, the Council submit that it can demonstrate the necessary supply. It has drawn my attention to the Examining Inspector's report<sup>2</sup> in respect of the WSLP which states, amongst other matters that "at 1 April 2016 there would have been a five year supply of deliverable and developable housing land". On this basis, and in the absence of substantive evidence to demonstrate otherwise, I find that the Council's policies for the supply of housing should be considered up-to-date.

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<sup>1</sup> Ref: APP/H3320/A/13/2202484

<sup>2</sup> dated 14th September 2016

16. There is no dispute that the appeal site is in a sustainable location, close to the services and facilities within the village, which the intended future occupiers of the scheme could walk or cycle to. Furthermore, the Council has no objection to the principle of development upon the site. On the basis of the evidence before me, I have no reason to find differently.
17. The proposal would have economic and social benefits including improvements to infrastructure and the provision of construction jobs and other employment. Future occupiers of the new housing would be likely to support the services in the village and further afield. The Council would receive payment from the New Homes Bonus, from community infrastructure contributions, and from council tax receipts. The appellant has provided a unilateral undertaking which would make provision for a financial contribution to be paid towards off site affordable housing in the event that the appeal was allowed. This would amount to a social benefit in favour of the scheme, along with the provision of market housing, which would go some way to support the Government's objective to boost significantly the supply of housing. The new houses would be well designed and I note the Council has raised no concern in respect of the form and layout of the scheme. These benefits attract considerable weight in the proposal's favour.
18. However, given my findings above in respect of the harm that would be caused to the character and appearance of the area, I find that there would be conflict with the environmental role of sustainability, in respect of the protection and enhancement of the natural and built environment. The Framework at paragraph 8 makes it clear that the 3 roles of sustainability: economic, social and environmental should not be undertaken in isolation, because they are mutually dependent.
19. I therefore conclude that given the conflict with the environmental role of sustainability, the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour. The Council Officer's support for the proposal and the support from numerous consultees as set out in the Council's committee report do not lead me to conclude differently.

## **Conclusion**

20. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR