

Appeal Decisions

Site visit made on 16 May 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 26 May 2017

Appeal A Ref: APP/R3325/W/17/3167811

Highfield Farm, Windmill Lane, Pibsbury, Huish Episcopi, Langport, Somerset TA10 9EP

- 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 & Mrs David against the decision of South Somerset District Council.
 - The application Ref 16/03175/FUL, dated 19 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is redevelopment of existing agricultural building to provide two 1½ storey semi-detached dwellings.
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Appeal B Ref: APP/R3325/W/17/3167816

Highfield Farm, Windmill Lane, Pibsbury, Huish Episcopi, Langport, Somerset TA10 9EP

- 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 & Mrs David against the decision of South Somerset District Council.
 - The application Ref 16/03176/OUT, dated 19 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is the erection of two detached bungalows (outline application with all matters reserved except access).
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Decisions

1. Both appeals are dismissed.

Procedural Matter

2. The application form for Appeal B suggests that only layout and appearance are reserved matters but the submitted Planning Statement makes clear that all matters are reserved except access and I determine the appeal accordingly.

Main Issue

3. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal sites are two contiguous sites comprising the rear section of a farmyard situated on the corner of Windmill Lane and the A372, between the main part of Pibsbury to the south east and Huish Episcopi to the west. The
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front part of the farmyard is occupied by the original farmhouse, on which an approved extension is under construction, two new detached houses one of which is still under construction and a converted barn. To the east of this another new house on an infill plot is nearing completion. Both appeals comprise new build dwellings behind that development.

5. The permitted development of the farmyard as indicated above involved the retention of the existing triple-span barn behind the farmhouse for agricultural storage excluding livestock and the planting of an orchard behind the two new dwellings and the converted barn. The appellants point out that it was always their wish to develop the whole of the farmyard, despite the Council's reservations. They cite two significant changes since the developments to the front of the farmyard were approved: first, the Council's acceptance of Pibsbury as a location for new residential development due to its proximity to the services and facilities in Huish Episcopi/Langport; and second, its admission that it does not have a 5 year supply of deliverable housing land (5YHLS).
6. The Council does not dispute these issues but argues that the development proposed by the appeals would result in an extension of built residential development into the countryside at odds with the distinct linear character of existing development that sticks closely to Windmill Lane.
7. In contrast the appellants argue that there are several local examples of such development in depth, as indicated on the Google Earth plan submitted at appeal. However, most of the examples set out on that plan are either not local (such as those to the west of Langport) or are functionally part of Huish Episcopi/Langport, such as Hamdown Court, Portland Road or the rear of Knapps Lane. The clusters of development at Wagg Drove and Highfield House, Pibsbury are historic and in any case are not within eyesight of the sites. Permission has been given for development opposite Highfield Farm for four single storey detached dwellings at Old Nursery Farm, but these houses would face the road, as do all the other existing dwellings in this cluster of built development on Windmill Lane. There is no 'development in depth' in the immediate locality.
8. There is no argument that this location is reasonably accessible to facilities nearby including Huish Episcopi Academy because there is a continuous footway along the A372. But that does not justify developing the whole of the farmyard at odds with the linear character of built form in the immediate locality, despite the presence of the existing structurally sound barn behind the farmhouse and another tumbledown barn with open sides behind the other frontage buildings. That is because agricultural buildings are excluded from the definition of previously developed land. Such buildings are a normal part of the rural scene and this site is physically and visually located in the open countryside. If the appellants have no need of the barn behind the farmhouse they are free to demolish it and restore the land to agriculture.
9. In summary, I acknowledge that the proposals would only involve building on the former farmyard and not the field behind it. But such land is excluded from the definition of previously developed land. More importantly, such development would be at odds with the character of linear development on Windmill Lane and would, I conclude, significantly harm the character and appearance of the immediate rural area.

10. The proposals would therefore fail to reinforce local distinctiveness and respect the local context, one of the requirements of Policy EQ2 (General Development) of the South Somerset Local Plan. Because they would fail to respond to local character as set out above they would also fail to comply with the requirement for good design in Section 7 of the National Planning Policy Framework.
11. I acknowledge that the proposals would deliver four additional dwellings which would help to reduce the shortfall of the 5YHLS as well as deliver proportionate economic benefits. But such benefits do not outweigh the significant harm to the character and appearance of the area.
12. For the reasons given above I conclude that the appeals should be dismissed.

Nick Fagan

INSPECTOR