
Appeal Decision

Site visit made on 20 June 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 07 July 2017

Appeal Ref: APP/V3310/W/17/3167035

Arnside, Shipham Lane, Star, Winscombe BS25 1PT

- 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 Cook against the decision of Sedgemoor District Council.
 - The application Ref 44/16/00010, dated 4 July 2016, was refused by notice dated 16 August 2016.
 - The development proposed is 'proposed 2No. dwellings on land to rear of site address'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether or not the site would be in a suitable location for residential development having regard to its location outside the nearest settlement boundary;
 - The effects of the proposal on the character and appearance of the countryside and the Mendip Hills Area of Outstanding Natural Beauty.

Reasons

Location

3. The proposed development would introduce a pair of detached dwellings within the wider landholding associated with Arnside, just off the Bristol Road (A38). Situated within a cluster of residential development that makes up the hamlet of Star, the site is outside the nearest settlement of Shipham and within the category of open countryside. Policy S1 of the Local Development Framework Core Strategy, Shaping the Future of Sedgemoor 2006 – 27 (2011) (the CS) seeks to focus development in order to reduce the need to travel and protect the district's natural assets.
 4. Classified as an Other Sustainable Settlement (OSS), Shipham is a relatively small village with a limited range of facilities including a butcher's, café, sports clubs and a community centre. It would be possible to walk or cycle from the appeal site into the village centre, but the journey would involve crossing the busy A38 and then walking or cycling along a narrow country lane, which has no footway or street lighting. The settlement of Winscombe is likewise
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relatively close to the appeal site. However accessing the wider range of facilities, schools and services therein would involve travelling on a narrow, unlit footway that runs alongside the busy A38.

5. Given the nature of the routes that provide access to the nearest services, and notwithstanding that there is a pub close by the appeal site, I consider that future residents would be most inclined to use a car, particularly so in poor weather and during the winter months. Although the nearest convenience store appears to be about a 10-minute walk from the site, access would again be via the narrow footway along the busy A38. This store is also associated with the petrol filling station, making it more likely that residents would use it when travelling elsewhere by car.
6. There are bus stops within reasonable proximity to the appeal site, which provide services into Bristol, Weston and Plymouth. However, the frequency of these services is unclear. Moreover, the apparent lack of any bus shelters would, in my judgement, serve as a deterrent to regular use of them in wet weather, even if there was a regular services running to nearest towns and destinations further afield.
7. Overall, it seems to me that the appeal site is located where the convenience of using a car would outweigh relying on more sustainable modes to reaching the nearby villages or to rely on local facilities. Even if future residents did make use of the local services and facilities on a regular basis, given the scale of the development proposed, I am not persuaded that it would make any significant contribution to enhancing or maintaining the vitality of the rural community or to meeting the identified local needs of the OSS.
8. I therefore find that the proposed development would not be in a suitable location and would run contrary to CS Policies S1, P6 and D9, which seek to focus development where it would offer the greatest opportunity for sustainable development, or where it would relate to specific countryside needs; and where it would allow for a wide choice of modes of transport as a means of access to jobs, services and facilities. The addition of two dwellings in a location where there would be an increased reliance on unsustainable transport would also run counter to National Planning Policy Framework's (the Framework) aims of promoting sustainable development in rural areas.

Character and appearance

9. The appeal site is situated inside the Mendip Hills Area of Outstanding Natural Beauty (AONB), which is afforded the highest status of protection in relation to landscape and scenic beauty. Development near the appeal site is sporadic, comprised of detached dwellings on well-proportioned plots, with gaps giving views onto open countryside. While the dwellings in the vicinity of the appeal site do not express any significant degree of architectural cohesion, there is, a low-key informality and spacing between them that lends a sense of breadth and openness to the surrounding context. Notwithstanding this scattering of development, the appeal site's surroundings are essentially rural, and the rarity of development fronting the road contributes to the area's verdant character and appearance.
10. The appeal site is set down and away from the A38 behind a stone boundary wall and strip of mature vegetation, which runs up to the Shipham Lane junction. The trees and undeveloped nature of the plot punctuate the pocket of

existing dwellings nearby and contribute to their assimilation into the open countryside and wider AONB. The proposed development would introduce two detached dwellings onto the appeal site, which would fundamentally erode its open and verdant characteristics.

11. Whilst there would be a portion of exterior space surrounding each dwelling, the built form to plot ratio would be substantially smaller than that of nearby development. The shared access arrangement would also be out of character with the other houses in the area, which are each served by their own individual access. In order to accommodate two dwellings of the size proposed, almost the full plot width would be occupied by the buildings, which would be positioned very close to the roadside boundary. Their impact would therefore be highly prominent, compounded by the shared access driveway, and result in an urbanising effect along this part of the A38.
12. The overall proportions and form of the two dwellings appear broadly similar. Combined with the symmetrical layout, emphasised by the central driveway, the scheme would appear overly formal and contrived. While their proposed materials would be not be out of keeping, the formality of the layout and architectural similarity of the two dwellings would be more akin to suburban development.
13. Overall, I consider that the two dwellings proposed would undermine the open, verdant and informal nature of the appeal site and its surroundings, resulting in harm to the character and appearance of the countryside. The proposal would therefore fail to ensure the landscape and scenic beauty of the AONB is conserved. As such, there would be conflict with Policy D14 of the CS, which establishes that development within the Mendip Hills AONB will only be supported where it will enhance or conserve the natural beauty or the exceptional character or quality of the landscape and paragraph 115 of the Framework that affords great weight to conserving landscape and scenic beauty of AONBs. The proposal would also conflict with Policy D2, which seeks to ensure a development responds positively to and reflects the particular local characteristics of the site and the identity of the surrounding area. The scheme also fails to conform to the provisions within the Framework, the principle that recognises the intrinsic character and beauty of the countryside.

Planning balance

14. The proposal would provide two open-market dwellings, which would make a very small, albeit still beneficial, contribution to the supply of housing. The economic benefits of the proposal would primarily be related to the employment created during construction. No specific evidence was presented regarding how the local services and facilities in nearby settlements would significantly benefit from the scheme. In these circumstances, the social benefit of two additional homes attracts little weight in the overall balance.
15. Even if there is a lack of housing or demand for rural workers' dwellings locally, there is nothing substantive to demonstrate whether the appeal scheme would offer the right type of housing, in an appropriate location, to meet specific housing needs. There is also no legal mechanism in place to secure either dwelling as affordable housing, or to prioritize local people as potential future occupants. Moreover, the appeal site does not immediately adjoin the development boundary of the OSS and would not be an appropriate location for affordable housing even if it did meet the identified needs of the local

community. The potential to accommodate the appellant's daughter in one dwelling, which could be constructed at relatively low cost, relates to personal circumstances of the appellant's and carries little weight in favour of the scheme; especially as those personal circumstances could change, whereas the buildings would be permanent.

16. Not knowing the nature of the other developments within the area, I cannot be sure that they represent a useful parallel to the appeal proposal, including in respect of location and development plan policy. In any case, I have determined the appeal on its own merits. A lack of harm in relation to overlooking or light are neutral factors, as is the potential to keep the stone boundary wall, or to use solar panels, energy-efficient heating and insulation. There may be scope to enhance biodiversity through planting, but, this would not outweigh the wider harm identified above, nor would residential development be the only means to achieve enhancement of the appeal site.
17. On the other hand, I have found that the proposal would be harmful to the character and appearance of the countryside and would fail to enhance or conserve the AONB, a matter to which I afford great weight. I am also of the view that future residents would largely choose to rely on private car to reach facilities and services they need, notwithstanding the alternatives that might appear to be available to them. The development would therefore not contribute to the low-carbon future as advocated by the Framework. The environmental dimension of sustainable development would therefore not be achieved.
18. In weighting up these matters, I find that the adverse impacts overall would outweigh the totality of the benefits and the proposal would not represent sustainable development for the purposes of Policy S1 of the CS or the Framework.

Other matter

19. The proposed access for the development is in close proximity to a Grade II listed milestone. It is unclear whether achieving the necessary visibility splays, as required by the Highway Authority's standing advice, would require the realignment of the sites boundary walls and widening of the mouth of the access. Most importantly, it remains to be satisfied what impact, if any, such works would have on the Grade II listed milestone. Whilst there may be no objection in principle to this element of the appeal scheme, I am not persuaded that it would be acceptable to leave such matters of detail to be dealt with by condition. In the absence of sufficient information, I cannot be sure that there would be no harm to the special interest of the listed milestone, contrary to the duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to preserving any features of special or architectural or historic interest and the guidance in the Framework.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR