
Appeal Decision

Site visit made on 20 July 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 27th July 2017

Appeal Ref: APP/Q3305/W/17/3167877

**Cook's Farm, Partman's Hill, Stoke St Michael, Shepton Mallet, Somerset
BA3 5LE**

- 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 David Eaton against the decision of Mendip District Council.
 - The application Ref 2016/2673/OTS, dated 24 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the erection of a detached single storey dwelling, garaging and formation of a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. The application is in outline with access, layout and scale to be determined as part of this appeal and appearance and landscaping as reserved matters.

Main Issue

3. The main issues in this case are the effect of the proposed dwelling on the character and appearance of the area and whether it would be appropriately located with reference to development plan policy.

Reasons

Character and Appearance

4. The appeal site is part of the garden of Cook's Farm, the host dwelling located close to the edge of the village but outside its Development Limit. It is an area of 0.09Ha comprising the lowest point of the lawned garden next to the stream, the sewage pumping station and the road. It is generally well screened by trees although there are glimpses of it from the footpath on the far side of the stream.
5. An L-shaped single storey 4-bedroom dwelling with a flat roof would be sited towards the north eastern side of the site backing onto an existing stone wall that delineates this part of the garden from an orchard beyond it. A large dual pitched roof garage is proposed backing onto the pumping station.
6. The stone wall and most of the surrounding trees would be retained and the proposed dwelling and garage would consequently largely be screened although there would be a view of the southern part of the new house from the road

along the new access drive. I note from the proposed layout plan that the Hawthorn and Beech trees adjacent to the wall would be removed because they would overhang the new dwelling. These are attractive trees which contribute to the overall character of the area and their loss is regrettable and only required due to the siting of the dwelling. The large Leylandi and the Leylandi hedge next to the pumping station would also be removed. Whilst these trees are not native and are of no particular amenity merit in themselves they do help to screen the site from surrounding land.

7. Consequently I conclude that there would be some limited harm to the verdant rural character and appearance of the area. Whilst all the above trees are unprotected and could therefore be removed without permission this would seem unlikely in my opinion in the absence of the proposed dwelling, especially the above Hawthorn and Beech.
8. The proposed development, due to the new hard surfaced driveway, parking and turning area and the loss of the above trees would introduce a more intensive residential use into the area which would detract from its rural character and appearance.

Development Plan Policy

9. Core Policy 1 of the Mendip District Local Plan Part 1 2006-2029 states that the majority of development will be directed towards the five principal settlements of the District. Residential development in the rural parts of the District, including in the 16 Primary Villages which includes Stoke St Michael, will be allowed within existing settlement limits and then sequentially at the most sustainable locations on the edge of identified settlements. Core Policy 2 states that 1,780 new homes (20% of the district requirement) will be provided in the villages overall and Table 8 of the Plan sets out that Stoke St Michael is expected to deliver 33 additional new homes by 2029.
10. The site is outside the village settlement limit, which is about 50m to the south west but it is only a short walk along Mill Lane to the church, pub and shop in the centre of the village. There is also a short (but fairly steep) footpath link up a field to the upper part of the village where the primary and pre-school is situated. I acknowledge that the proposed dwelling would be likely to contribute in a small way towards the maintenance of village facilities.
11. However, the Council is considering allocating a site on the western edge of the village adjacent to Frog Lane as set out during the Issues and Options stage of its emerging Site Allocations Plan (AP) (Ref SSM008). I note that a larger site close to the appeal site (SSM007) was put forward in an earlier version of the AP but that this could impact on listed buildings, the wider landscape setting of the village and on future quarrying in the area.
12. Notwithstanding it is still possible that site SSM007 could be allocated in the AP this would seem unlikely for the above reasons, and the appeal site does not in any case form part of it. The Council is seeking to allocate a site (or sites) within the village through the AP process in accordance with the plan-led system as advocated by LP Core Policies 1 and 2 and paragraph 17 of the National Planning Policy Framework (NPPF). This is the correct approach and I can see no good reason for setting it aside and pre-empting it by allowing development outside the settlement limit. To do so would weaken the primacy of the plan-led system.

13. In summary the proposal would not comply with the Council's spatial strategy as expressed in LP Core Policies 1 and 2, nor would it comply with the core NPPF planning principle that development should be genuinely plan-led.

Other Matters

14. The appellant argues that the proposal would not amount to the development of greenfield land. He maintains that the site is not in a 'built-up area' as established by the recent High Court judgement¹. However if that is the case because, as the appellant states², the site is beyond the 'built up area' of the village, then this merely confirms its countryside location outside the village's Development Limit. For the reasons set out above the location is unacceptable.

Conclusion

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

Nick Fagan

INSPECTOR

¹ As set out in the appellant's appeal statement, paragraph 6.12

² Ibid, paragraph 6.14