



Appeal Decision

Site visit made on 17 July 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/R3325/W/17/3172387

Land opposite The Old Manse, Fivehead, Somerset TA3 6QH

- 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 and Mrs M Tennant against the decision of South Somerset District Council.
 - The application Ref 16/05371/OUT, dated 12 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is the erection of four detached bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four detached bungalows at land opposite The Old Manse, Fivehead, Somerset TA3 6QH in accordance with the terms of the application, Ref 16/05371/OUT, dated 12 December 2016, subject to the conditions on the attached schedule.

Procedural matter

2. The application was submitted in outline with access, appearance and scale reserved for future consideration. I have dealt with the appeal on that basis, and whilst I have had regard to plan no. F1306/100B, other than the layout and landscaping shown on that drawing, I have treated it as indicative only.

Main Issue

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

Background

4. An outline application for the erection of four detached bungalows on the site, with access, appearance and scale reserved for future consideration was refused on 23 March 2016. It was subsequently dismissed at appeal (Ref: APP/R3325/W/16/3149235) ('the previous scheme'). I have had regard to that planning history in reaching my decision.

Reasons

Character and appearance

5. The appeal site lies just beyond the village of Fivehead. It comprises an open paddock with trees and hedgerows on its boundaries, and is typical of the mixed agricultural countryside nearby. As well as trees, a field and recreational ground to the west, this site is bounded by a gypsy and traveller site known as

Sunnyside Park to the south, a short row of dwellings at 17 to 20 Millers Orchard to the north, and The Old Manse and its curtilage on the opposite side of Stillbrook Road to the east. Nearby dwellings are set at variable distances from the roads, and display considerable diversity in terms of their style and appearance. There are also some nearby short cul-de-sacs. Consequently, there is no locally distinctive built form or pattern of development in the site's immediate vicinity.

6. Travelling south along Stillbrook Road the appeal site broadly marks the transition from the village to the countryside. Although the road varies in width, it generally narrows around this point and becomes more enclosed by trees and hedgerows. Notwithstanding the boundary wall and fence at The Old Manse, it therefore takes on a distinctly rural feel.
7. In the previous scheme the Inspector had concerns that, taking account of a requirement at the access for a 43m visibility splay in both directions, there could be greater impacts upon an Ash, other trees and the hedge along the site's highway frontage than suggested by the appellants. That, he considered, *"could therefore substantially harm the distinctive landscape features and considerably open up views through the frontage of the site. If that were to happen, it would make the cul-de-sac very obvious from the road and in my opinion would cause a harmful incursion of suburban development into the countryside"*.
8. Whilst access is also a reserved matter in this appeal, I concur with the previous Inspector that as the detailing of an access with suitable visibility splays would have implications for the amount of the hedgerow and trees that can be retained along the boundary, it is a matter that impacts upon the principle of whether or not the development is acceptable.
9. Drawing No. F1306/100B shows the site's vehicular access moved further south compared to the previous scheme, and at a point where the road widens slightly. Unlike previously, the land either side of the access is shown enclosed by existing and proposed hedgerows, which would extend into the site, thus helping to screen the driveways and turning area. Consequently, there would be more limited views from the road into the site than in the previous scheme. Additionally, whilst the highway hedgerow would be trimmed, that drawing shows that much of it, along with the Ash, would be retained, and supplemented with additional native species planting. The Arboricultural Impact Assessment by Hillside Trees Ltd confirms that no trees would be removed. Although the provision of visibility splays behind grass verges would result in this section of Stillbrook Road having a slightly wider feel, it would remain largely enclosed, with only narrow gaps for access.
10. Whilst the dwelling on plot 4 would be close to the road, it would be sited behind a hedgerow. As that hedgerow would provide screening and privacy to those occupants, it seems to me unlikely that there would be pressure for its reduction. The scheme's low density, together with the screening afforded by existing and proposed landscaping, would ensure that the development would be reasonably assimilated into this rural fringe of the village. Implementation and retention of the landscaping could be addressed by conditions. Requiring that the development be single storey only would further limit the scheme's impact on views from the road.

11. Although the scheme would extend the village's built form to the south, a substantial gap would be retained to Sunnyside Park, which would limit the degree of ribbon development along this side of the road.
12. Summing up, whilst the scheme would have a negative impact on the rural attributes of the immediate area, the harm caused to its character and appearance would be limited. There would therefore only be a modest conflict with those parts of South Somerset Local Plan (2006 - 2028) 2015 ('LP') Policy EQ2 which seek to promote local distinctiveness and preserve or enhance the district's character and appearance, and with one of the National Planning Policy Framework ('Framework') core principles which is to recognise the intrinsic character and beauty of the countryside.

Other matters

13. Drawing no. F1306/100B shows an undeveloped gap between the proposed bungalows and Sunnyside Park. The appellant states that access to that land for maintenance would be achieved adjacent to plot 3. Although the space available appears to me to be limited, I have no cogent evidence to conclude that suitable access could not be provided without necessitating a further break in the highway hedgerow.
14. Given the layout of the site, and the distance to the dwellings at The Old Manse and at Millers Orchard, the scheme would not have a significant impact on those occupiers' living conditions by virtue of overlooking, overbearance or outlook. Although there would inevitably be some noise and disruption during construction, those impacts would be temporary and could be partially mitigated by an appropriate Construction Management Plan.
15. Whilst highway safety concerns have been raised, in locations such as this at the edge of a village it is not unreasonable to expect drivers to proceed with caution and to anticipate the potential for pedestrians or other highway users on the carriageway. This stretch of Stillbrook Road is subject to a 30mph limit, and is fairly straight with good forward driver visibility, although visibility for drivers emerging from the road just north of The Old Manse is restricted. The scheme shows a highway verge including at the point where a footpath from the site onto the road is indicated. The proposed layout shows suitable provision for off-road parking, with each dwelling having two or more spaces. On the basis of the drawings, it seems to me that a suitable visibility splay could be provided from a new access into the site, without requiring land beyond the public highway or outside the appellants' control.
16. For the above reasons I conclude that the scheme would not have a significant impact on highway safety. That position is supported by the absence of an objection from Somerset County Council Traffic and Transport Development Group ('TTDG'). TTDG has not suggested a condition requiring that the carriageway be widened, and I see no persuasive reason why it should be.
17. Fivehead has a basic range of facilities. LP Policy SS2 sets out that development in such 'Rural Settlements' should be strictly controlled and limited to the provision of appropriate employment opportunities, community facilities or housing to meet an identified need. It also states that proposals should generally have the support of the community. LP Policy SD1 largely reflects the Framework's presumption in favour of sustainable development.

18. I have been provided with little evidence, and somewhat conflicting views, regarding local housing needs. Although there were representations both in favour and against this scheme, Fivehead Parish Council objected, there was limited community engagement, and the proposal does not appear to have general community support. The scheme would therefore conflict with LP Policy SS2.
19. However, the scheme would contribute to the supply of housing generally in accordance with objectives in the Framework. That in a district that cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date. That significantly limits the weight I attach to LP Policy SS2. In accordance with Framework paragraph 14, permission should be granted unless any adverse impacts from doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. Fivehead has at least two of the services/facilities listed in paragraph 5.41 of LP Policy SS2. The provision of four dwellings, whose occupants may help to support those services, are positive social advantages of the scheme, in the public interest, which carry significant weight in my decision. There would also be economic benefits from construction works. The limited harm that would be caused to the area's character and appearance, and by the absence of clear community support, would not outweigh the significant benefits from the provision of additional housing in this location. Consequently, the proposal would benefit from the Framework's presumption in favour of sustainable development, and would accord with LP Policy SD1.
21. Although there were representations stating that new housing should be located elsewhere, such as within the village, I have not been provided with detailed information of satisfactory alternatives, and I have dealt with the scheme before me on its merits. For the above reasons, the appeal will be allowed.

Conditions

22. The Council proposed a number of conditions, which I have considered against the Framework's tests, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit and reserved matters conditions. In the interests of certainty, I have also imposed a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as they relate to the matters of layout and landscaping.
23. Given the potential for noise and disruption during construction and the harm that that could cause to local living conditions, I have also imposed the Council's suggested condition requiring the approval of a Construction Environmental Management Plan. Details of the proposed means of foul and surface water disposal are also necessary, although I have deleted the reference in suggested condition no. 8 to a 'right to discharge' which appears to relate to other regulatory requirements. In the interests of the character and appearance of the area, I have also imposed the suggested landscaping condition, along with a condition, as suggested by the Council's Tree Officer requiring appropriate tree and hedgerow protection during construction. For

the same reason a condition is necessary requiring that the development be single storey only.

24. The Council's suggested condition nos. 6, 7 and 9, along with others suggested by TTDG, relate to detailed matters concerning the access. As access is a reserved matter I have not imposed those conditions.
25. I have considered the two suggested conditions by the Council's Ecologist. In the interests of ecology and mitigating the impact on protected species, and to reflect the requirements of the Ecological Appraisal by First Ecology, I consider that those objectives can be addressed by a single condition requiring that the development be implemented in accordance with the Method Statement at section 4 of that report, including the proposed habitat protection, creation and enhancement measures.

Conclusions

26. For the reasons above, I conclude that the scheme's limited adverse impacts on the character and appearance of the area, together with the absence of general community support, do not significantly and demonstrably outweigh the scheme's benefits. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos. F1306/001 and F1306/100B, but only in respect of those matters not reserved for later approval.
- 5) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include construction vehicle movements; construction operation hours; construction vehicular routes to and from site; construction delivery hours; expected number of construction vehicles per day; car parking for contractors; specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; a scheme to encourage contractors to use alternative means of access other than sole use of private vehicles; and measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 6) The dwellings hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 8) All planting, seeding, turfing or mounding comprised in the approved details of landscaping as shown on drawing no. F1306/100B shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme to show how those existing trees and hedgerows on the land, identified on drawing no. F1306/100B for retention, shall be protected throughout the course of the development. The development shall be carried out in accordance with that scheme.

- 10) Before the dwellings are occupied a scheme for the retention and maintenance of the landscape areas, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 11) The dwellings hereby approved shall be single storey only.
 - 12) The development shall be implemented in accordance with the Method Statement, including the proposed habitat protection, creation and enhancement measures, at section 4 of the Ecological Appraisal by First Ecology, dated December 2016.
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