



Appeal Decision

Site visit made on 17 October 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 6 February 2018

Appeal Ref: APP/Q3305/W/17/3179836

Rock House, Old Frome Road to Underhill, Gurney Slade, Wells BA3 4TQ

- 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 A Lawrence against the decision of Mendip District Council.
 - The application Ref 2017/0821/OTS, dated 22 March 2017 was refused by notice dated 17 May 2017.
 - The development proposed is erection of two detached dwellings and garaging and formation of vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the site would be suitable for new housing having regard to the effect of the proposed development on the character and appearance of the area and local and national policies for the location of new housing.

Preliminary Matters

3. The application is made in outline. Approval is sought for access and layout. Appearance, landscaping and scale are reserved for later approval. I have dealt with the appeal on this basis.
4. The appeal site is referred to variously as Rock House Farm and Rock House. The address in the banner heading above is taken from the application form as submitted to the Council.

Reasons

5. The appeal site lies to the north of Rock House and on the southern side of Gurney Slade.
6. The spatial strategy for new development in the District is set out in the Mendip District Local Plan 2006 – 2029 Part 1: Strategy and Policies, adopted 15 December 2014 ("the Local Plan"). Gurney Slade, together with Binegar, is defined in Core Policy 1 of the Local Plan as a 'secondary village'. Such villages offer some services and the best available public transport services, making them appropriate for development aimed at meeting localised housing needs. The appellant refers to the proposals complying with Paragraph 3 of Core Policy 1, which includes reference to the most sustainable locations on the edge of identified settlements. However, the emphasis of this paragraph is firstly on land within settlement limits and is concerned with the identification of land for

development in the Local Plan. Furthermore, Local Plan Core Policy 2 states that delivery of housing will be secured from infill, conversions and redevelopment within development limits defined on the Policies Map, and from strategic sites. Other allocation of land for housing outside development limits will be secured through the site allocations process.

7. The Council refers to current work on a site allocations document (Local Plan Part II) which will identify additional housing sites to meet the requirements in the Local Plan Part 1. A pre-submission draft of the Local Plan Part II is to be followed by formal consultation. It is suggested that a further 30 homes may be accommodated in Binegar/Gurney Slade. The Council provide a plan showing sites potentially suitable and not suitable for development as part of the emerging Part II Local Plan process and suggest that a large number of these sites could be successful as part of the plan process. The appeal site is not shown on the Council's plan. However, as this is an emerging plan I attach very limited weight to it at this stage.
8. Nonetheless, the local plan process shows that the Council is proceeding with identifying additional sites for housing including sites at Binegar/Gurney Slade through its site allocations document. The evidence does not suggest that there is currently any shortfall in the supply of land for housing.
9. The appeal site lies outside the existing development boundary of Gurney Slade, a boundary defined on the saved inset plan of the 2001 Mendip Local Plan. As such, the 2014 adopted Local Plan Policy CP1c applies which states that development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Local Plan Core Policy 4 which is concerned with sustaining rural communities. The development is not put forward in the context of Core Policy 4 and I note that this policy refers to planned housing provision, to affordable housing and occupational dwellings.
10. I find the proposal would not meet the exceptions allowed for new dwellings in the countryside and would be contrary to Local Plan Policy CP1c. The proposals also fail to comply with Local Plan Policy CP2.
11. The 2014 Local Plan post-dates the National Planning Policy Framework (Framework) and the Local Plan policies have therefore been assessed within the context of the Framework. Notwithstanding the date when the current development limits of Gurney Slade were defined, I am satisfied that the development plan policies relevant to the supply of housing or other Local Plan policies relevant to the consideration of this appeal are not out of date. Consequently, whilst Paragraph 49 of the Framework states that housing applications should be considered in the context of sustainable development, the provisions of the final bullet point of paragraph 14 of the Framework are not engaged.
12. Rock House marks one edge of Gurney Slade as defined on the village inset plan. However, the defined boundary is drawn around the southern boundary of the two relatively modern houses to the north of Rock House, Trojan and Larks Gate, then along the east side of the A37 main road before extending to include Rock House and garden land to the east. In contrast, the development boundary on the west side of the A37 continues for some distance southwards.

13. Whilst the Council refers to the appeal site as a greenfield site and one of two agricultural fields relating to Rock House, the appellant describes the land as the side garden of Rock House and to Rock House as the former farmhouse. Although the appellant's address is given as Rock House, the submitted plans only identify the extent of the appeal site and do not show any additional land in the same ownership. Whilst it is argued that Rock House marks the entrance to Gurney Slade on the east side of the A37, the defined settlement limits exclude the whole of the appeal site.
14. The appeal site extends between the A37 and the unnamed road (the lane to Oakhill) on the east side of the site. Access would be taken from the lane to Oakhill. The appeal site is currently screened from the lane by hedgerows and trees. From the west, the site is clearly visible from the elevated footway opposite the site which runs alongside the A37. There is a strong line of coniferous hedging on the northern side of the site and a small number of trees towards the eastern end of the hedge. However, land levels rise to the south and the floor plans indicate a two storey development. Consequently, the presence of the houses is likely to be evident from the north, above or between the roofs of Trojan and Larks Gate. The houses would be clearly visible in views from immediately to the west of the site.
15. Whilst the A37 is a dominant feature on the west side of the site, the descent into Gurney Slade from the lane on the east of the site is more rural in character. Although the proposed access point has been selected to minimise the effect on the hedge, a gap would be created and the character and appearance of the site and the approach to the village would be altered both by the houses and access.
16. The proposals would change the site from undeveloped to developed land and this change would be evident, expanding the built form of the village and encroaching into the countryside. I therefore find there would be a conflict with Local Plan Policy DP1 which requires all development to contribute positively to the maintenance and enhancement of local identity and distinctiveness.
17. With regard to Local Plan Policy DP4, there would be a degree of conflict with the general requirement of this policy that proposals should not significantly degrade the quality of the local landscape. However, as the proposals do not seek full planning permission, the extent to which the design of the proposals would be compatible with the pattern and features in the local landscape character areas cannot be fully assessed. I note that the Council states the layout demonstrates that a similar scheme to the existing pattern of development could be brought forward, but this comment is made in the context of amenity issues in relation to neighbouring property.
18. The site is not isolated from Gurney Slade and the facilities which it provides. Indeed in respect of some facilities, such as the village shop and post office, the site would be particularly close. I therefore acknowledge that there is no inherent conflict between the proposals and paragraph 55 of the Framework. The proposed two dwellings would make a contribution, albeit limited, to supporting local facilities but sites for new development which would, amongst other matters, support such facilities are being addressed in the second part of the Local Plan process. I have noted that there is no objection to the proposal on highways grounds.

19. Although the appellant considers the development of the site to be infilling, the appellant also states the site is previously developed land comprising garden land which is not within a built up area and to which the presumption in favour of sustainable development should apply. Notwithstanding that I find some inconsistency between these two statements, the evidence does not specify how long the appeal site has formed part of the garden of Rock House and, taking the evidence as a whole, I am not persuaded that the site should be considered as previously developed land. In any event, the site lies outside the defined settlement limits of the village. Whilst part of the site lies between Rock House and Trojan, the development as a whole would appear as an extension of the village into the adjacent countryside and not as infilling.

Conclusion

20. The proposal would provide two new houses in a location that is not solely reliant on the private car. It would have some limited economic benefits including the new homes bonus and employment in the construction process, as well as providing support for local services and facilities. The proposal is contrary to the adopted development plan policies identified above and to the development plan when considered as a whole. I find that the considerations which are put forward in favour of the proposal are insufficient to outweigh this conflict.

21. I therefore conclude that, for the reasons given above, the appeal should be dismissed.

J E Tempest

INSPECTOR