



Appeal Decision

Site visit made on 12 March 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/R3325/Q/19/3239778

Land adjoining plots 23 & 24 Orchard Drive, Merriott, Somerset, TA16 5AA.

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr and Mrs Passey against the decision of South Somerset District Council (the LPA).
 - The development to which the planning obligation relates is a scheme for 24 residential units with an obligation to not construct any other buildings on a plot of land identified for the provision of a GP surgery and pharmacy for a period of 10 years.
 - The planning obligation, dated 27 March 2013, was made between South Somerset District Council and Clipper Development Partners LLP.
 - The application Ref. 19/00564/DPO, dated 15 February 2019, was refused by notice dated 18 July 2019.
 - The application sought to have the planning obligation discharged.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In 2013, the LPA granted planning permission for mixed use development comprising a doctor's surgery with attached pharmacy, the conversion of farm buildings into 12 residential units and the erection of 12 dwellings, garaging and associated works (ref. 12/02126/FUL). The approved surgery/pharmacy includes 2 consulting rooms, 1 nurse's room, waiting, staff and meeting rooms and provision for 22 parking spaces on 0.22 ha of land. The dwellings have recently been completed but the surgery has yet to be built.

Main Issue

3. The main issue is whether the planning obligation continues to serve a useful purpose.

Reasons

4. The appeal site lies within the village of Merriott. This large village¹ contains a range of services and facilities, including a pharmacy. However, there is no GP's surgery or any medical/healthcare centre. I understand that when the planning obligation was completed in 2013, there was interest from a local GP in establishing a practice in the village. However, that GP has since retired.
5. The National Planning Policy Framework (the Framework) states, amongst other things, that the purpose of the planning system is to contribute to the

¹ Home to about 2,000 people.

achievement of sustainable development. Government objectives for rural areas² include the retention and development of accessible local services and community facilities, and its objectives for promoting healthy and safe communities³ include ensuring an integrated approach to the location of housing and community services and facilities. At the local level, the Merriott Village Plan⁴ dated 2014, identifies, amongst its aims, a community need to vigorously press for the development of the approved GP's surgery.

6. These national objectives and local aims reinforce the LPA's decision to approve the above noted mixed use development in 2013. They also lend weight to the LPA's argument that the planning obligation should be retained.
7. The appellants accept that the availability of a GP in Merriott would be of great community benefit. I agree, and for a village of this size, and a settlement that the LPA has informed me is projected to grow significantly, there is likely to be much existing and future demand for a GP service. In this regard, the Parish Council considers that there is a continuing need for a health centre.
8. I note the appellants remarks that there has been no take up of the proposed doctor's surgery/pharmacy and that the requirements for such facilities have changed over time. However, I also note that the Parish Council has been in communication with NHS England, the Clinical Commissioning Group, the local pharmacist and Ward Member about progressing this part of the mixed use development. Such schemes, which involve input of various parties and which are largely dependent on public sector funding, could take many years to progress, especially where there has been a lengthy period of austerity.
9. A ten year period, in which the land is reserved for the delivery of a GP's surgery/pharmacy, is not unreasonable and I note that it has taken a number of years for the residential element of this mixed-use development to be provided. It is by no means certain that there is no interest in delivering this medical facility which, would be of considerable public benefit, or that the size and scale of the approved surgery/pharmacy is no longer fit for purpose.
10. The restrictive covenant on the land would be a separate matter for the parties to resolve. This should not be seen as a tool to prohibit development that is in the public interest. If it was, many schemes throughout the country could be frustrated and the planning system would be unable to deliver necessary social objectives that are integral to the achievement of sustainable development.
11. I note that the appellants wish to undertake a self-build housing scheme on the appeal site. There is also support from some neighbouring residents to discharge the planning obligation. However, there is a greater force in the LPA's argument that the obligation continues to serve a useful purpose.
12. Given the above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

² Section 6 of the Framework.

³ Section 8 of the Framework.

⁴ Not part of the development plan but a material consideration that can be given moderate weight.