The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/R3325/W/20/3252087
Melbury House, Badgers Cross Lane, Somerton TA11 7JF

- 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 Garry Edmunds against the decision of South Somerset District Council.
- The application Ref 19/02931/FUL, dated 21 October 2019, was refused by notice dated 9 March 2020.
- The development proposed is 3 no. new dwellings (chalet bungalows).

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are;

   i) whether the occupants of the proposed development would have adequate access to shops and services and,

   ii) the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

i) Access

4. Policy SS1 of the 2015 adopted South Somerset Local Plan (LP) sets out the Council's strategy for where new development is expected to be focussed. The strategy includes the settlement of Somerton which is identified as a Local Market Town. However, the appeal site is located outside the development area of Somerton by around 200m and within the countryside. In this respect it differs from development in the west of Somerton which is contiguous with the town centre. It is also located outside the Somerton `direction of growth' which is identified to the western edge of the town through Policy LMT3.

5. In terms of access to services and facilities by non-car modes, there are no pavements or street lights between the appeal site and the developed area of Somerton for a distance of around 300m. For the most part there is a narrow

verge which offers pedestrians the ability to walk off the carriageway or to wait while vehicles pass. However, it is particularly difficult to walk off the carriageway at the pinch point of the railway bridge. Even with a timely judged wait for a gap in the traffic before traversing this section, the bends in the road to either side of the bridge may inevitably result in a conflict between vehicles and pedestrians at this point.

6. I note the County Council's appraisal of the speed limits in the vicinity of the site are not up to date. For accuracy, they are 60mph on Badgers Cross Lane, 40mph on the B3165 Sutton Road and 20mph a short distance from the Sutton Road/Badgers Cross Lane junction when travelling towards Somerton. However, the vehicle speeds past the site on Badgers Cross Lane would be significantly lower than 60mph given the close proximity of the junction and the road geometry.

7. Nonetheless, notwithstanding the 20mph speed limit across the bridge, were the route to be used by pedestrians from the proposed houses, it would create additional hazards to all highway users, to the detriment of highway safety. As such, the pedestrian access between the appeal site, the town centre and the nearest bus stops on the B3153 Langport Road is considered to be inadequate.

8. Although there are no dedicated cycle routes, the relatively flat landscape (excluding the bridge) and the distances of up to approximately 1km would make the town centre and the bus stops readily accessible by bicycle from the appeal site. Nevertheless, taking into account the inadequate pedestrian access described above, which is particularly unsuitable for use by disabled, partially sighted or less able pedestrians, the development would fail to meet Policy TA5 of the LP which seeks to secure inclusive safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all.

9. While paragraph 103 of the National Planning Policy Framework (the 'Framework') recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; aside from cycling, the site's location fails to offer a range of sustainable transport modes. Insufficient detailed evidence has been submitted to draw comparisons with the Radio Station site.

10. In conclusion, the appeal site is not a suitable location for the proposed development as it would fail to accord with the Council's housing strategy and be significantly hazardous to highway safety. Therefore, future occupants of the development would have inadequate access to shops and services. The development would conflict with LP Policies SS1, LMT3 and TA5 as set out above. It would also conflict with the Framework which promotes sustainable transport modes and seeks safe and suitable access for all users.

ii) Character and appearance

11. Melbury House occupies a very large plot with the house positioned close up to the Sutton Road/Badgers Cross Lane junction. As a consequence, there is a large gap between the rear of the house and Glen View, the neighbouring house to the south-east. The primary importance of the gap to the rural character of Badgers Cross Lane is through providing a spacious garden area to Melbury House. Key characteristics of the small group of dwellings which comprises Melbury House, Glen View and Melbury Farm is that they all have

very spacious garden areas when viewed from the lane and each dwelling is of an individual design.

12. The proposed three detached houses would be located to the rear of Melbury House and face Badgers Cross Lane. Owing to the narrow width of the plots and the significantly reduced depth of the rear garden area to Melbury House, the spacious rural character to this part of the lane would be harmfully replaced by a more cramped, urban form of development. The detrimental effect would be emphasised by the repetitive nature of the new dwellings which would introduce a small suburban estate type development conflicting with the individually designed houses on either side.

13. Although the Council referred to Policy EQ5 on Green Infrastructure in its reasons for refusal, the proposal would not be contrary to this policy as the layout enables new planting along the Badgers Cross Lane frontage which would soften the visual impact of the hardstanding in front of each house. Nonetheless, it is concluded the proposed development would be significantly harmful to the spacious character and appearance of the area. It would therefore conflict with Policy EQ2 of the LP which seeks to ensure development is of high quality design that reinforces local distinctiveness and respects local character. It would also conflict with the Framework which has similar aims.

Other matters

14. Benefits of the development include the provision of three market houses in circumstances where there is a local shortage against assessed needs. There are also the economic and employment benefits associated with the construction and subsequent occupation of the housing including spending at local shops and services. However, as the proposal is for just three houses, it would make a very limited contribution to housing supply in the District and the local economy. As such I give these benefits limited weight.

Planning Balance

15. I give substantial weight to the proposal's conflict with policies TA5 and EQ2 for the reasons given above. I also give weight to the conflict with policies SS1 and LMT3, however the Council's failure to be able to demonstrate a five year supply of deliverable housing sites means that weight is moderate. I give neutral weight to the proposal's accordance with policy EQ5, and limited weight to the benefits outlined above. Overall, the proposal would conflict with the development plan when considered as a whole.

16. However, as the Council is unable to demonstrate a five years supply of housing, paragraph 11 d) of the Framework applies. With regard to paragraph d) i., there are no policies in the Framework which protect areas or assets of particular importance that are relevant to the proposed development. It is therefore necessary to go on to consider paragraph 11 d) ii, which requires an assessment of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

17. The adverse impacts in relation to the policies in the Framework concern the absence of a range of sustainable transport modes, safe and suitable access for all users and the achievement of high quality design which is sympathetic to local character. Great weight is given to these factors given the combined

emphasis in the Framework on sustainable transport, safe communities and well designed places.

18. The benefits of the development are the provision of three additional units and the associated economic benefits resulting from their construction and occupation in the long term, as set out above, with the addition that the Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Taken together, I give only moderate weight to the benefits.

19. Consequently, when assessed against the policies in the Framework taken as a whole, it is considered the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development does therefore not apply and, further, the development would conflict with LP Policy SD1 which seeks to secure sustainable development.

20. Accordingly, it is concluded the proposed development would conflict with the development plan and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR