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## Appeal Decision

Site visit made on 25 August 2020

**by Rachael Pipkin, BA (Hons), MPhil, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> September 2020**

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**Appeal Ref: APP/R3325/W/20/3251580**

**Land at Eastfield Farm, Eastfield Lane, Somerset, TA18 7SW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
  - The appeal is made by Geoff Sayers against the decision of South Somerset District Council.
  - The application Ref: 20/00325/PIP dated 14 January 2020, was refused by notice dated 28 February 2020.
  - The development proposed is the erection of 9 no. dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG)<sup>1</sup> states that the scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at the technical details consent stage. Accordingly, I have considered only the issues relevant to those 'in principle' matters in my determination of the appeal.
3. The PPG<sup>2</sup> sets out that where permission in principle is granted the amount of residential development must be expressed as a range, indicating the minimum and maximum number of dwellings which are, in principle, permitted. The planning application sought permission in principle for a minimum and maximum of nine dwellings. In making the appeal, the appellant has sought to change the description of the development to be for 'up to 9 no. dwellings'. However, as this provides no indication of the minimum number of dwellings for which permission is being sought, I cannot accept this change. I am therefore proceeding to deal with the appeal on the basis of what was originally proposed.

### Main Issue

4. The main issue is whether the location of the proposed development is suitable having regard to the effect of the proposed development on the character and

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<sup>1</sup> Paragraph: 012 Reference ID: 58-012-20180615

<sup>2</sup> Paragraph: 052 Reference ID: 58-052-20180615

appearance of the area including whether it would preserve or enhance the character or appearance of the North Perrott Conservation Area.

## **Reasons**

5. The appeal site forms part of an agricultural field, located on the edge of the village of North Perrott, a small settlement within a rural setting. A substantial part of the village comprising the historic village centre and a number of traditional buildings fall within the North Perrott Conservation Area (NPCA). These buildings, many of which would have been associated with the Grade II\* listed building North Perrott Manor to the west of the village, together with the rural landscape surrounding the village contribute to the significance of the conservation area. The A3066 runs through the village, whilst the appeal site is positioned away from this at the end of East Street on the more tranquil eastern edge of the village.
6. The appeal site is located at the junction of Back Lane, East Street and Eastfield Lane where it occupies a slightly elevated position. It is just outside the NPCA, the boundary of which extends to the boundaries of houses on the corner of East Street and Back Lane opposite the entrance to the appeal site. The agricultural and rural character of the appeal site, form part of the setting of the NPCA and contribute to its significance.
7. Residential development within the village is mainly laid out in a linear form, with traditional rural housing extending along East Street and more recent, post-war development of detached houses extending along Back Lane. Eastfield Lane is undeveloped. The western corner of the appeal site is adjacent to a rural track separating it from development on Back Lane. The remainder of the site is surrounded by fields enclosed by hedgerows.
8. The proposed development of this site with nine dwellings would extend rearwards beyond the natural boundary to the village formed by the rear gardens of properties fronting Back Lane. It would also extend significantly further along Eastfield Lane than existing development within the village. As such, it would extend the village boundary, rather than round it off.
9. Whilst the submitted drawings are indicative and all details would be determined at the technical details consent stage, due to the single access into the appeal site, it appears to me that the layout of the proposed development would have to take the form of a cul-de-sac development whether clustered or in a more linear form. This would be uncharacteristic of the existing pattern of development within the village. Furthermore, with the proposed quantum of development and the size of the site, it seems to me that the layout would necessarily be less spacious than that of surrounding development. As such the proposal would appear out of keeping in this location and would not reinforce local distinctiveness.
10. The proposed development, due to its position within a field and enclosed by hedges may not be prominent within the wider landscape. However, it would introduce a more cramped form of development which would be out of keeping with the linear and spacious pattern of development characteristic of this part of the village. Furthermore, due to its enclosure by the existing hedgerows around the field, it would appear separate and disconnected from the wider village.

11. The addition of housing in this location would also reduce the connectivity of the NPCA with the rural landscape on its east side, which forms part of its setting. The contribution that the appeal site would make to the NPCA as part of its rural setting would be diminished as a result. This would be harmful to both the character and the appearance of the village and the NPCA.
12. Government policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 184 advises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The proposed development would lead to less than substantial harm to the setting of the designated heritage asset, namely the NPCA, because it would only be visible within the setting of the eastern part of the NPCA. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 196 of the Framework states that such harm should be weighed against the public benefits of the proposal.
13. The scheme would deliver some public benefits in that it would contribute to the area's housing supply and need by providing nine dwellings in a location accessible to the services and facilities available within the village. It would contribute to the social role of village as a service centre within its rural hinterland. There would also be some economic benefits resulting from this, including the creation of jobs and new residents supporting local services and businesses as well as financial benefits from increased New Homes Bonus, Council tax receipts and Community Infrastructure Levy, part of which would be spent within the village. However, whilst this amount of housing and its associated benefits would be positive aspects of the scheme, they would not be a substantial benefit, and would not outweigh the harm caused to the heritage asset to which I give considerable weight.
14. I have been referred to a number of recently approved schemes within the village. This includes planning permission for a bungalow adjacent to Eastfield House<sup>3</sup> which is set back from East Street behind a long drive. In this case, it appears the new bungalow sits within a spacious plot similar to Eastfield House which it also aligns with. It also utilises an existing driveway with direct access onto East Street between existing development. This is unlike the appeal proposal which would require the formation of an entirely new access road and a denser form of development.
15. I have also been referred to a development of three bungalows at Old Buildings, Back Lane<sup>4</sup> which makes use of land previously used for commercial and storage purposes. This would be for significantly less houses than the scheme before me. Furthermore, the appeal site, being an undeveloped agricultural field, is not comparable to this site either in terms of its use or its contribution to the character and appearance of the village and the NPCA.
16. My attention has also been drawn to other developments which do not follow the linear pattern of development within the village, including Symes Close and developments on New Street. From the limited details provided to me, I note that these are either conversion schemes or occupy back land positions within

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<sup>3</sup> Council Ref 16/02692/OUT & 17/03597/REM

<sup>4</sup> Council Ref 19/01164/FUL

the village between existing development and therefore I do not find them directly comparable to the appeal proposal before me, which is an undeveloped field, predominantly surrounded by fields. For these reasons, I do not find these developments justify the scheme before me.

17. Taking the above matters into consideration, I conclude that the location of the proposed development would be unsuitable. It would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the NPCA. It would therefore conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan 2015 which together seek development that reinforces local distinctiveness, respects local context and character and safeguards heritage assets and their settings.

### **Planning Balance and Conclusion**

18. The Council cannot demonstrate a deliverable five year housing land supply (5YHLS) and has accepted that it has around 4.5 years supply. This constitutes a modest shortfall. The appellant considers that since the Council cannot demonstrate a 5YHLS, the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework should apply
19. However, paragraph 11d) makes it clear that the presumption in favour of sustainable development does not apply if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that this includes, amongst others, designated heritage assets. Given that I have found that there would be harm caused to the significance of a designated heritage asset that is not outweighed by the public benefits of the scheme, I consider that this is a clear reason to refuse the development proposed in accordance with the Framework.
20. The location of the proposed development would harm the character and appearance of the surrounding area and in this regard would fail to preserve or enhance the character or appearance of the conservation area contrary to the development plan and the Framework. For these reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

*Rachael Pipkin*

INSPECTOR