
Appeal Decision

Site visit made on 10 November 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/Q3305/W/20/3254415

The Batch, Highcroft Lane, Binegar, Wells BA3 4TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Tim and Diane Gregory against Mendip District Council.
 - The application Ref 2020/0703/FUL, is dated 31 March 2020.
 - The development proposed is 3-4 bedroom 2 storey carbon neutral home.
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Decision

1. The appeal is dismissed and planning permission for 3-4 bedroom 2 storey carbon neutral home is refused.

Main issues and preliminary matters

2. The Council did not determine the application prior to the appeal being lodged. However, they have provided a report setting out what would have been their concerns, which provides the basis for the main issues below.
3. The submitted plans show the removal of a barn and its replacement with the proposed house. That barn has now been converted to a dwelling which appeared to me to be ready for occupation. Consequently, I have considered the appeal proposal as a replacement dwelling.
4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to Highcroft Lane and;
 - whether the proposal would lead to the loss of a permitted and sustainable potential Gypsy/Traveller site and if so the likelihood of such use.

Reasons

Character and appearance

5. Binegar is a compact village set amongst verdant fields and woodland. Highcroft Lane provides an undulating and slightly meandering rural approach whereby the village appears to be on a hilltop. The appeal site marks the edge of the village and its fringes with the countryside, and appropriately appears adjacent to two traditional agricultural stone buildings. The appeal site is visible from several points on Highcroft Lane over a stone frontage wall.

6. A former barn at the western (village) end of the appeal site, has been sensitively converted to a dwelling with dark timber cladding and slate roof tiles which give a rural character. There is a similarly dark painted ancillary outbuilding to the side on a grass bank near the entrance with car parking opposite.
7. The converted barn is single storey over which there is an outward view from the village across the site to woodland and fields. However, this existing barn would be replaced by the proposed building which being substantially taller would curtail much of this view, thereby undermining the village's relationship with the surrounding landscape.
8. The proposed building has the height, footprint and materials of a large barn; however, the southern and eastern elevations would have substantial glazing, which would be associated with a domestic dwelling rather than an agricultural barn. The proposed balcony would also be a domestic element. Consequently, the detailing of the proposal would appear domestic and suburban in character which would conflict with the agricultural barn like massing and materials, resulting in an incoherent design. The overall building would appear intrusive to the landscape setting particularly as the proposal would replace the converted barn which has a low height and muted appearance. The submitted plans indicate that from some points on Highcroft Lane the proposed building would be partially obscured, however there are other points where due to its undulations and slight meandering, it would be readily visible particularly the eastern elevation.
9. I therefore conclude that the proposal by its height and its detailing would be harmful to the character and appearance of the area. Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies (LP) seek to enhance local identity, respect local context, mass/scale/layout should be appropriate, and any harm would be outweighed by benefits. The proposal would be in conflict.

Gypsy/Traveller site

10. The site has a permission for up to 2 Gypsy/Travellers pitches, which the Council advise is extant. The existing converted barn being to one side of the site would leave a substantial area which would be sufficient for 2 pitches. Whilst I acknowledge the appellants' view that provision could still be made, the proposed dwelling would occupy much of the site and would also need some garden space; the remaining space would not only be small but also awkwardly shaped. Moreover, the proposed dwelling would also have a balcony and large windows orientated towards this remaining space, thereby resulting in significant overlooking. I therefore conclude that the proposal would prevent the use of these potential pitches.
11. The Council advise that there is a shortfall of approximately 90 Gypsy/Traveller pitches across its district and given this significant need, the loss of these two pitches would therefore be unwarranted. Policy DP15 of the LP states that authorised Gypsy, Traveller and Travelling Showpeople sites will be safeguarded unless no longer required to meet identified need. The proposal would be in conflict.

Planning Balance

12. The proposed house would have considerable sustainable features, thereby allowing an energy efficient use. However, these benefits would be at least partially offset by the demolition of the existing building. Similarly, some provision would be made for ecological habitat, but this would largely be in mitigation to offset the impact of the new house. The proposal would have an economic benefit through the construction process but that would be very limited.
13. Both parties agree that the Council is not meeting its residential land supply requirements. Paragraph 11 (d) of the National Planning Policy Framework (the Framework) applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental objectives, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
14. Whilst there is an under supply of housing land and pressing need for new housing, the existing barn has been converted to a dwelling and the proposal would replace it and therefore not increase housing supply.
15. The proposal would harm the character and appearance of the area. Accordingly, the proposal contravenes paragraph 127 of the Framework which seeks to promote design which adds to the overall quality of the area. The land supply shortfall questions the development plan housing policies, but the general thrust of policies DP1 and DP7 which require development to respect the character and appearance of the area is still an appropriate strategy.
16. The proposal would also prevent the use of Gypsy/Traveller pitches. Paragraph 61 of the Framework requires consideration of the housing needs for different groups in the community. Footnote 25 of this paragraph refers to the Planning policy for traveller sites (Ppts). Paragraphs 9 and 10 of the Ppts expect local authorities to make a quantitative assessment of the need for Gypsy/Traveller sites in their area and make provision to meet that need through their policies and decisions. Footnote 36 to paragraph 73 of the Framework also establishes that a five-year supply of deliverable sites for Gypsy/Travellers should be assessed separately from general housing. Consequently, the provisions of paragraph 11 (d) would not be triggered in terms of this particular aspect. Therefore, the general thrust of policy DP15 to safeguard authorised Gypsy/Traveller sites is still an appropriate strategy bearing in mind the Ppts and the Framework.
17. However, the site is not allocated for Gypsy/Traveller pitches and such use would be the landowner's decision. Therefore, it cannot be assumed that these pitches would be available, and indeed the residential conversion of the barn casts some doubt over the likelihood. Whilst the loss of the potential pitches would be harmful, I only give this very limited weight.
18. In overall balance, I therefore conclude that the impacts of the proposal, are significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole.

Conclusion

19. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR