

---

# Appeal Decision

Site visit made on 15 October 2020

**by J Gibson BUEP MPIA**

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

**Decision date: 30 November 2020**

---

**Appeal Ref: APP/Q3305/W/20/3256259**

**Beechbarrow Farm, Bristol Road, Hillgrove, Wells BA5 3EL**

- 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 Peter McCann against the decision of Mendip District Council.
  - The application Ref 2020/0596/FUL, dated 14 March 2020, was refused by notice dated 3 July 2020.
  - The development proposed is for a change of use from agriculture to residential and erection of 1no dwelling house.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The above description of development has been taken from the Council's decision notice. It is considered to be the clearest and most succinct description of development provided by both parties. I have proceeded to determine the appeal on this basis.

## Main Issue

3. The main issues are:
  - whether the proposed development would be appropriately located within the open countryside, having regard to local and national planning policy;
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - whether the proposed development would promote the use of sustainable modes of transport.

## Reasons

### *Location of development*

4. The appeal site is located in the open countryside outside of any defined settlement. Policies CP1 and CP4 of the Mendip District Local Plan (LP) Part 1: Strategy and Policies (adopted December 2014) set out the Council's settlement strategy which seeks to direct new development within the development limit boundaries of defined settlements. The closest defined settlement to the appeal site is Wells. Spatially and physically the appeal site does not relate well to the settlement of Wells and appears remote in the

countryside. The proposal would therefore conflict with Policies CP1 and CP4 of the LP.

5. Both parties have identified that the Council cannot currently demonstrate a five year housing land supply. As such, the most important policies for determining the application are out-of-date<sup>1</sup>. Accordingly, Paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged which sets out a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
6. I therefore do not attribute weight to the identified conflicts with Policy CP1 and CP4 of the LP which are deemed out-of-date due to the Council's current five year housing land supply shortfall. Further consideration will be given to the merits of the proposal based on the policies of the Framework as a whole.

#### *Character and appearance*

7. The appeal site forms part of an open field used for agricultural purposes and includes the access driveway shared with Bethel Barn. The site and its surroundings appear distinctly rural with long open views across the surrounding landscape of agricultural fields and paddocks which characterise this open countryside location.
8. There is a small cluster of residential buildings tightly contained within a fenced area on the neighbouring property, located closer to Bristol Road. However, the appeal proposal would appear separate from and visually prominent compared to the cluster of buildings on the neighbouring property due to the separation distance from the existing built form and the combined size, mass, bulk and location of the proposal within an open field. As such, the proposal would harm the open landscape characteristics of the surrounding area.
9. I note that the proposed dwelling would be adjacent to an existing hedgerow which would provide some visual screening. However, I observed that the section of the hedgerow immediately adjacent the appeal site was lower and patchier than other sections, allowing for clearer views of the appeal site from Bristol Road and the surrounding landscape. Nevertheless, I do not consider the existing hedgerow to adequately offset the visual harm described above.
10. Reference is made by the parties to an extant permission which allows for a comparably sized agricultural building to be located in the same position as the proposed dwelling<sup>2</sup>. The appellant contests that the appeal proposal would be comparable in scale to the agricultural building already permitted and therefore not amount to a more visually harmful outcome than has already been accepted by the Council. However, I do not consider the visual impact of the described agricultural building to be comparable to the proposed dwelling. An agricultural building and its associated use would appear compatible within this countryside location, particularly given the existing agricultural use of the wider site. The appeal proposal on the contrary would introduce a domestic building in an open field which along with any related domestic paraphernalia would appear alien in this location to the detriment of the surrounding landscape character and appearance.

---

<sup>1</sup> Footnote 7 of Paragraph 11d) of the National Planning Policy Framework

<sup>2</sup> LPA Reference: 2017/3042/FUL

11. Accordingly, the proposed development would harm the character and appearance of the surrounding area. It conflicts with Policies DP1, DP4, and DP7 of the LP, as well as Paragraphs 127 and 170 of the Framework. These policies seek, amongst other things, to ensure that development is of a high quality design that takes account of the local character of the surrounding landscape setting and protects the positive features which contribute to them. The Framework policies support the same. Due to the open nature of the surrounding landscape I attribute great weight to the character and appearance harm identified.
12. I note the Council refer to the Planning Practice Guidance (PPG) in their reason for refusal but have not identified any specific conflicts with the PPG in either their decision notice or planning officer report. As such, I have not examined this any further. Nevertheless, I am satisfied that the relevant Framework provisions already address this matter.

### *Sustainable transport modes*

13. The remote location of the appeal site within the open countryside would inherently create a pattern of development which would primarily rely upon private vehicle transport to access the local services and facilities necessary to support day to day life. However, it is necessary to further consider whether appropriate opportunities are available for future occupants to utilise more sustainable modes of transport.
14. Wells is described as a principal settlement under CP1 of the LP serving a market town role for the surrounding rural catchment. As such, Wells would likely be the primary destination for future occupants to access local services and facilities. The appellant describes the potential to walk and cycle to Wells via a pedestrian path along Bristol Hill (A39) as well as a bus stop subject to a regular service located at the corner of the A39 and Haydon Drive. I note however that the pedestrian path described concludes at the junction of Haydon Drive and A39, near the described bus stop, and is itself still some distance away from the appeal site.
15. The section of Bristol Road (A39) from the appeal site to the pedestrian path and bus stop is not readily conducive to accommodating pedestrian or cyclist use. Bristol Road is a busy main road with a narrow road pavement and subject to traffic travelling at high speeds. These conditions limit the opportunity for pedestrians or cyclists to safely travel on the road together. There is also limited verge space available for pedestrians to comfortably walk on with the verge available grassed and in parts uneven. Furthermore, whilst there is a pedestrian path extending along a significant length of the A39 to Wells, the considerable distance, steep topography and unlit nature would likely serve as a barrier towards encouraging future occupants to walk or cycle along this route. As such, the proposed development would not in my view actively encourage future occupants to access and/or utilise the more sustainable transport options described.
16. Although some locals may currently traverse this section of Bristol Road to access public transport or the pedestrian path to walk or cycle into Wells, it does not follow that this would be a safe arrangement which should be fostered by the proposed development. I note also the appellant's contention that even if future occupants were to rely upon private vehicles that facilities for electric cars could be provided, and as such would not equate to any unsustainable

transport movements. Nevertheless, such vehicle types would still allow for more frequent trips to be made, contribute to local congestion and other potentially negative effects on the environment, therefore equating to a less sustainable mode of transport than walking, cycling and public transport as encouraged by the Framework. Furthermore, the requirement for future occupants to only utilise electric vehicles could not be appropriately secured by condition to safeguard this outcome, as per the tests of the PPG.

17. Accordingly, it is my view that the future occupants of the proposed development would be likely to rely predominantly on private vehicle movements to access the local services and facilities necessary to meet their day to day needs. It would not therefore promote the use of sustainable modes of transport as sought in Chapter 9 of the Framework. I therefore attribute great weight to this identified harm.

### **Other Matters**

18. The parties have identified that the appeal site is located near two Scheduled Ancient Monuments, being Bronze Age bowl barrows, but would be some distance from the proposal. Paragraphs 193 and 194 of the Framework specify that great weight should be given to the conservation of scheduled monuments. Based on my observations and the details provided I am satisfied that the proposed development would not harm the significance of the designated heritage asset. Neither Historic England nor the Council have identified any potential conflicts in this regard. As such, this is a neutral matter in my consideration of this appeal.
19. Both parties refer to a nearby Area of Outstanding Natural Beauty (AONB). The appeal site is wholly located outside of the described AONB. I have considered the appeal on its own merits and am satisfied that no harm would result to the AONB or its setting. This matter has been considered separately from the character and appearance harm already identified. The Council reached a similar conclusion in their planning officer report. This matter is therefore a neutral consideration.

### **Planning Balance and Conclusion**

20. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I have assessed the appeal proposal against the policies of the development plan. I have identified significant conflict with the settlement strategy for new development, however for the reasons given above this should not weigh against the appeal proposal.
21. Both parties agree that the Council cannot currently demonstrate a five year housing land supply and that the presumption in favour of sustainable development under Paragraph 11(d) of the Framework is engaged. As such, the policies which are most important for determining the appeal are out-of-date. In this regard, I give moderate weight to the small contribution this proposal as a single dwelling would make to the area's housing land supply.
22. The appellant also suggests that the proposal would be of economic benefit during the construction phase and through local spending by future occupants. However, any such benefit would be minimal in scale and as such attracts limited weight. I note the appellant refers to the economic benefits of a "large business/work space for a rural enterprise" within the proposed dwelling.

However, the potential future use of this space falls outside the scope of this appeal and has therefore not been considered in the balancing exercise.

23. The other suggested benefits of the appeal proposal relate to the sustainability credentials of the proposed dwelling, including the adoption of sustainable design, energy efficiency, water supply and waste disposal measures. Whilst positive elements of the proposal, they largely serve to address the policy criteria needed to support new development in such a location. A lack of harm in this regard does not in itself equate to a benefit but is instead a matter of policy compliance. I therefore consider this matter to have a neutral effect.
24. I have identified that the proposed development would harm the character and appearance of the surrounding area. The development would also fail to appropriately promote the use of sustainable modes of transport, with future occupants likely to rely predominantly on private vehicle transport. The adverse effects of these matters attract great weight.
25. When assessed against the policies in the Framework taken as a whole the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. The Framework upholds the need to ensure development is appropriately located to support sustainable settlement patterns and functions, achieves a high standard of design which is sympathetic to local landscape characteristics, and promotes sustainable modes of transport. It is therefore my judgement, on balance, that the identified harm is not outweighed by the other material considerations.
26. The Council have identified that the appeal site falls within the consultation zone of the North Somerset and Mendip Bats Special Area of Conservation (SAC). However, as I am dismissing the appeal based on the above reasoning it is not necessary to address this matter in any further detail.
27. For the reasons given above I conclude that the appeal should be dismissed.

*J Gibson*

INSPECTOR