



Appeal Decision

Site visit made on 8 February 2020 by Ben Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/D0121/W/20/3262397

Land East of Hillview, Greenhill Lane, Sandford BS25 5PE

- 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 Peter and Donna Codman and Sweeting against the decision of North Somerset Council.
 - The application Ref 20/P/1154/OUT, dated 19 May 2020, was refused by notice dated 30 September 2020.
 - The development proposed is described as an outline planning application for residential use of land for 1 No. dwelling along with the formation of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the outline planning application for residential use of land for 1 No. dwelling along with the formation of vehicular access at Land East of Hillview, Greenhill Lane, Sandford BS25 5PE in accordance with the terms of the application 20/P/1154/OUT dated 19 May 2020, subject to the conditions set out in the schedule below.

Appeal Procedure

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

Procedural Matters

3. This is an outline planning application with approval being sought for access only. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.

Main Issues

4. The main issues in this case are the following:
 - Whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy, and the accessibility of services and facilities; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons for Recommendation

Location

5. The appeal site is not allocated for development in the local plan and located outside of, but close to the defined settlement boundary of Sandford. The appeal site is, therefore, for planning purposes, within the open countryside.
6. Policy CS14 of the Core Strategy (2017) (CS) is a strategic policy setting out the hierarchy of housing location, based on sustainability principles. The wider strategy is to direct new housing towards the most appropriate locations, principally in respect of services and facilities and transport accessibility. CS Policy CS14 continues by confirming that development outside settlement boundaries will only be permitted where the site is allocated in the local plan or it comprises sustainable development that accords with the criteria set out in the relevant settlement policies of the Core Strategy.
7. CS Policy CS33 sets out that development within the settlement boundaries of infill villages, such as Sandford will be permitted in certain circumstances, but within the countryside that it will be strictly controlled in order to protect the character of the rural area and prevent unsustainable development.
8. The appeal site is located close to the junction of Greenhill Lane and the A368, the main thoroughfare through Sandford. This road has a pavement on both sides and is well lit. The access to the proposed dwelling would be located a few metres from the pavement along this main road. As such the intended future occupiers would be able to walk safely to the village from the appeal site to use the services and facilities therein.
9. It is reasonable that the day to day needs of occupiers of the new dwelling could be met by the services and facilities within Sandford, including the primary school. However, I acknowledge that if a family occupied the dwelling with secondary age children that they may need to drive to school, but the Council make reference to a school bus, the bus stop of which could be easily accessed from the appeal site. Whilst employment opportunities are limited within Sandford and noting that occupiers of the new dwelling may need to drive to places of employment further afield, the number of daily trips associated with a single dwelling would be limited.
10. As such, the proposed dwelling would have a close relationship with and access to services, facilities and transport accessibility in accordance with the aims of Policy DM24 of the Development Management Policies Sites and Policies Plan Part 1 (2016) (DM), which seeks amongst other matters for attractive travel choices to be provided with a greater focus on sustainable transport modes. The dwelling would be located where it would enhance or maintain the vitality of rural communities and allow occupiers of the dwelling a choice of transport modes to access nearby services.
11. I note that an appeal scheme¹ nearby was dismissed for 93 dwellings. However, this proposal would have been likely to generate a significant number of travel movements, which would not be the case with the proposal before me. As such the cases are not directly comparable.

¹ Appeal ref: APP/D0121/W/18/3206217

12. However, notwithstanding the above, the proposed development does not meet any of the circumstances for new development within the countryside set out within CS Policies CS14 and CS33 and it therefore conflicts with these policies which seek to control the distribution of housing. Accordingly, it is not a suitable location for new housing because of this conflict.

Character and Appearance

13. The appeal site is an existing field and benefits from mature boundary screening. It has little landscape merit and contributes little to the rural appearance of the wider agricultural land to the north. It appears as an infill site between residential development on this part of Greenhill Lane.
14. Although not before me at this stage it is likely that an appropriately scaled and designed dwelling on the site would be seen in the context of the existing surrounding structures and would not appear incongruous in its context, appearing as an infill development which would be unlikely to undermine the setting of the village, or the landscape character of the area. It is noted that in considering the much larger scheme for 93 dwellings that the Inspector reached a similar view in terms of the impact on the character of this side of Sandford.
15. In light of the foregoing, I conclude that the proposed dwelling would not harm the character or appearance of the area. As such, there is no conflict with the landscape and character protection requirements of CS Policies CS5 or CS12, DM Policies DM10 or DM32 or the advice set out in the North Somerset Landscape Character Assessment Supplementary Planning Document (2018).

Other Matters

16. The Council acknowledge, in their Appeal Statement, that they are unable to identify a 5-year supply of housing land, as required by paragraph 73 of the Framework. In these circumstances, paragraph 11 d) of the Framework requires planning permission to be granted unless, amongst other matters, "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
17. Also, paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
18. The Framework indicates that the planning system should actively manage patterns of growth to promote sustainable transport. It therefore generally supports the Core Strategy's housing delivery strategy (CS Policy CS14), which focuses the majority of new development on the larger settlements. However, while the proposal conflicts with CS Policy CS33, this is only insofar as it is located outside of the defined settlement boundary. It would be closely related to the settlement of Sandford and would therefore promote sustainable transport. The development is also supported by the Framework's objective of significantly boosting the supply of homes, the acknowledged important contribution that small sites can make to meeting the housing requirement and the Council's housing land supply situation. Therefore, in this regard, the conflict with CS Policies CS33 and CS14 should be given limited weight.

19. Consequently, when assessed against the policies in the Framework taken as a whole, it is considered the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies and, further, the proposed development would not conflict with CS Policy CS14 which seeks to secure sustainable development.
20. Accordingly, although it is concluded the proposed development would conflict with the development plan, the presumption in favour of sustainable development is a material consideration which indicates that the decision should be taken otherwise than in accordance with the development plan.
21. With regards to possible precedent, each case is taken on its own merits, particularly in cases such as this where character and appearance and access to facilities are main considerations.
22. Examples of recent housing development dismissed at appeal have been put forward by the Council. The first is referenced above was for a substantially larger development. The second² and third³ proposed developments were considered to be located some significant distance from any settlement and services. Finally, the fourth example⁴ considered only issues of character and archaeology and is set some distance from the current appeal site. None of these examples are therefore considered to be directly comparable with the appeal scheme.

Conditions

23. Given the outline nature of the proposal conditions to specify the remaining matters which require future approval, along with the timescale for their submission and implementation are necessary.
24. I have imposed a condition relating to drainage to ensure that flood risk is managed satisfactorily. This is a pre-commencement condition to ensure that appropriate measures have been agreed before work commences.
25. A condition requiring details of measures to provide a level of energy provision through micro renewable or low carbon technologies to be submitted and agreed is necessary, in accordance with the climate change and carbon reduction aims of CS Policies CS1 and CS2.
26. Conditions specifying what should be submitted with regards to the reserved matters in relation to landscaping, materials or parking area for example, are unnecessary.
27. The Council also suggest the inclusion of a condition which would remove the permitted development rights in relation to outbuildings. The Planning Practice Guidance advises that such conditions should only be imposed where there is a clear justification to do so. The appeal site is not dissimilar in size to nearby development and I have no evidence before me to indicate that a large part of the site would be developed with outbuildings in the event that the appeal is allowed. Moreover, it is clear that there are a number of visible outbuildings along the lane, which I observed were not harmful to the character or

² Appeal ref: APP/D0121/W/19/3224042

³ Appeal ref: APP/D0121/W/19/3227975

⁴ Appeal ref: APP/D0121/ W/18/3212455

appearance of the area. As such, I am not persuaded that this condition is necessary. Similarly, given that any further dwellings on the site would require a separate application and planning permission, a condition restricting this is also unnecessary.

28. Whilst not included in the Council's suggested conditions, I note that the Delegated Officer Report sets out that a condition requiring biodiversity improvements is recommended. In accordance with the Framework's requirement to support biodiversity, I agree that this condition is necessary.

Recommendation

29. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to the conditions outlined above

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, the appeal is allowed, with the suggested conditions.

RC Kirby

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development shall be carried out in accordance with the approved drawing numbered: 4118-BB-XX-00-DR-A-SK01 F.
5. The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
6. The details submitted under condition 1 of this permission shall include plans showing measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies. Once approved the dwelling hereby permitted shall not be occupied until such measures have been installed on site and are fully operational in accordance with those details. Thereafter, the approved technologies shall be permanently retained.
7. The dwelling hereby permitted shall not be occupied until details of biodiversity improvement measures, which have been submitted to and agreed in writing by the local planning authority, are implemented. The agreed measures shall be retained at all times thereafter.