
Appeal Decision

Site visit made on 4 March 2021

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/R3325/W/20/3260772

Field adjoining Struckmead Farm, Land at Barry Lane, Hardington Mandeville

- 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 Mrs Cheeseman against the decision of South Somerset District Council.
 - The application Ref 20/00195/FUL, dated 21 January 2020, was refused by notice dated 10 June 2020.
 - The development proposed is erection of 2no. dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council made its decision, Natural England has issued advice regarding the potential impacts of new residential development on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar site through increased nutrient loads. The appellant's Preliminary Ecological Appraisal also identifies that the site is within the zone of influence for Brackets Coppice Special Area of Conservation (SAC) where there are potential for impacts through increased recreational pressure. As competent authority I have a duty to consider the impact of the proposal on European sites, and I return to this matter later.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and access to services and facilities.

Reasons

4. The settlement strategy for the area is set out in Policy SS1 of the South Somerset Local Plan (LP). The Policy seeks to focus development on Yeovil and specified market towns and rural centres. All other settlements are considered as part of the countryside to which national countryside protection policies apply, subject to the exceptions identified in Policy SS2, which deals specifically with development in Rural Settlements. Policy SS5 allows for housing development in development areas and sites identified in the plan, and in other areas where it meets specific circumstances, including where it accords with the policy on development in rural settlements.
5. Hardington Mandeville is a small village largely concentrated around the High Street, and close to another small village at Hardington Moor. Together these

villages have a limited number of facilities and services. The appeal site is however approximately 800 metres outside of Hardington Mandeville and separated from it by several fields. It is therefore not within that settlement. There are several properties around Hill Cross to the west of the site, however these appear as a loose cluster of houses around a crossroads and do not form a distinct settlement. There are also several properties along Barry Lane, however these are generally well spaced from each other and therefore appear as sporadic development in the countryside.

6. The proposed dwellings would be adjacent to Struckmead Farm and close to another dwelling opposite, but would be separated from other properties in the vicinity by fields. Overall, I consider that they would be physically separate from any settlement. The proposal would not therefore be permitted by LP Policy SS2. The proposed dwellings would also be isolated in terms of paragraph 79 of the National Planning Policy Framework (the Framework). The proposal would not fall within any of the circumstances listed in that paragraph, therefore the Framework directs that such development should be avoided.
7. Future occupiers of the proposed dwellings might use the facilities and services in nearby villages, and as such would contribute to the local economy and support those services. However, while the nearest facilities in Hardington Mandeville and Hardington Moor would be within cycling distance, they would exceed a reasonable walking distance having regard to guidance in the National Design Guide.
8. The routes to those villages are also along narrow lanes with no street lighting and few verges, with only occasional gateways and accesses offering any refuge from traffic. Therefore, they would not offer a safe and attractive route for cyclists and pedestrians, particularly at night. Although the appellant refers to a public footpath as an alternative for part of the way, I do not have details of its location, where it leads or its condition. As such I cannot conclude that this would be an attractive option for pedestrians.
9. The appellant also suggests that it is a 2-minute walk to a bus stop with services to Yeovil, a large town with a wide range of facilities. However, I have no details of the times this service runs, how frequently, or on which days. It has not therefore been demonstrated that it would provide a realistic option for travel to work or to access the services and facilities in that large town. The school bus the appellant mentions appears to serve a particular school, and I cannot therefore be certain that it would be available to future residents of the proposed dwellings. While there are more bus services in other villages, these are some distance from the site. As such, although there are some options for sustainable transport modes these are limited and future occupants of the development would therefore be largely reliant on the private car to access services and facilities.
10. Both the LP and the Framework seek to limit the need to travel, direct development to locations where it would be accessible to all forms of transport, maximise the potential for sustainable transport and encourage walking and cycling for health and wellbeing. While the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the isolated location of the appeal site significantly compromises the ability to access such modes. Although this is also true for existing dwellings outside of the villages, it does not make it appropriate to allow new isolated dwellings in the countryside which are reliant on the car. Nor is it appropriate to rely on electric vehicles, as there is no certainty that future occupants would own them. Consequently, the appeal site is not a sustainable location for housing.

11. The appellant intends that they and their family would live in the dwellings and suggests they would use the local shop and post office regularly and make shared trips for shopping or have home deliveries. However, they are not seeking to restrict the occupancy of the proposed dwellings and there is no mechanism before me to ensure that they would own the properties. In any event, even if future residents were to use the local village services in preference to driving into Yeovil or other villages, the contribution of 2 dwellings to the vitality of the nearby rural communities would be very modest.
12. Overall, I find that the proposal would not accord with Framework policies on the location of housing in the countryside and would not be permitted by LP Policy SS2. Therefore, it would also conflict with Policies SS1 and SS5. Furthermore, it would not accord with Policy TA5 insofar as it requires development to be designed to maximise the potential for sustainable transport and secure inclusive, safe and convenient access on foot, cycle and by public transport. Accordingly, the appeal site is not an appropriate location for the proposed development having regard to the settlement strategy and access to services and facilities.

Other Matters

13. The proposed dwellings would enable working from home and provision for electric vehicle charging and cycle parking could be incorporated. I therefore find no conflict with LP Policy TA1 which supports low carbon travel. This would not however outweigh the conflict with the settlement strategy in terms of the location of housing.
14. The proposal would incorporate sustainable construction measures and as such would contribute to tackling climate change. The dwellings would be of appropriate design for their rural setting and local character, and would be designed to be accessible and adaptable. Therefore, I find no direct conflict with LP Policies EQ1 and EQ2, which support proposals for development which addresses climate change and incorporates high quality design.
15. The proposed dwellings would be served by parking and by an appropriate access for which adequate visibility could be provided. The amount of additional traffic generated by two dwellings would be low, and as such despite the narrow lanes in the area, the proposal is unlikely to have an unacceptable impact on highway safety. Given the distance to nearby dwellings, the proposal would not adversely impact the living conditions of existing residents. It would also provide for biodiversity enhancements. Therefore, the proposal would comply with LP Policies in these respects.
16. The Framework is clear however, that the planning system should be genuinely plan-led and the strategy for delivery of housing in the most sustainable locations is a fundamental part of the development plan. Consequently, I consider that the proposal would conflict with the development plan as a whole. The relevant LP policies are consistent with the Framework on sustainable travel and the location of housing, and as such the conflict with them carries very substantial weight.
17. The Council can now demonstrate a 5-year supply of housing land, therefore the presumption in favour of sustainable development in Framework paragraph 11d) and LP Policy SD1 is not engaged.
18. The proposal would contribute towards meeting the housing needs of the District as identified in LP Policy SS4, however there is no substantive evidence before me of an identified need for housing of this type in this location, or that there is any imbalance in the housing mix which this proposal would help to address. Local housing targets are not a limit or cap on development and all dwellings make a

contribution to boosting housing supply. However, in the context of a Framework compliant supply of housing land, the benefits of 2 dwellings would be limited.

19. The proposal would generate economic benefits during construction and occupation. It would create biodiversity benefits through new planting, although these would be partially offset by the loss of a section of hedge. Given the small scale of the proposed development however, these benefits would be very limited. The construction of the access would provide another passing place on the lane, however there are several others nearby, so this would be of minimal benefit. These benefits therefore carry very limited weight.
20. I appreciate that the appellant intends to live on the site and keep it in trust for their family, and considers it a suitable location for their role as a foster carer. However, there is no legal mechanism before me to secure their future ownership or occupancy. Planning Practice Guidance advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. Their family connection with the site and their personal circumstances do not constitute an exceptional need for the appellant to live on the land, therefore it would not be appropriate to grant planning permission subject to a condition limiting occupation to them or their family.
21. It is suggested that the dwellings would be self-builds, for which there is support in the Framework. There is also a legal requirement for local authorities to grant sufficient permissions for self-build or custom house building to meet the identified demand. However, no information has been provided on the identified need for self-build plots in the area, or the extent to which such need is being met. In any event, there is no mechanism before me to secure the dwellings as self-builds. It would not be appropriate to use a planning condition to secure this, as there are financial and land ownership implications for such dwellings. Therefore, I can give the intention to self-build very little weight.
22. The appellant indicates that there was previously a building on the site that was lived in, however there was no evidence of it visible at the time of my visit. This does not therefore weigh in favour of the proposal.
23. Overall, taking account of the Framework and the above considerations, I find that the limited benefits of two dwellings would not outweigh the conflict I have identified with the development plan.
24. The proposal has the potential to adversely affect the integrity of European sites through an increase in recreational pressure and increased nutrients in the hydrological catchment generated by sewage. However, as I am dismissing the appeal on other grounds, there is no need for me to consider this matter further.

Conclusion

25. For the reasons set out above there are no material considerations that would justify granting planning permission for development which conflicts with the development plan. Therefore, the appeal is dismissed.

L McKay

INSPECTOR