



Appeal Decision

Site Visit made on 9 August 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/Q3305/W/21/3274855

Pollyanna, Windsbatch Hill, Oldford, FROME, BA11 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Roberts against the decision of Mendip District Council.
 - The application Ref 2021/0465/PIP, dated 14 February 2021, was refused by notice dated 24 March 2021.
 - The development proposed is Permission in Principle for the erection of 1-5 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 1 – 5 dwellings at Pollyanna, Windsbatch Hill, Oldford, Frome, BA11 2NN, in accordance with the terms of the application, Ref 2021/0465/PIP, dated 14 February 2021.

Preliminary Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or 'permission in principle stage') establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent (TDC) application if PiP is granted. I have determined the appeal accordingly.
4. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

5. Whether the site is suitable for residential development, having regard to location, land use and amount of development, with particular regard to:
 - a) Development plan policy relating to the location of new housing, and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- b) Its effect on the character and appearance of the area.

Reasons

Location

6. The appeal site is associated with the modest settlement of Oldford, which is to the north and detached from the main developed area of Frome. Core Policy 1 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (LP Part 1) sets out the spatial strategy for the area. Oldford is not listed as a primary or secondary village. The Policy establishes that development may be permitted in other villages and hamlets in line with Core Policy 4. The proposed dwellings would not meet a specifically identified local need as set out within this Policy.
7. Core Policy 2 of the Local Plan Part 1 relates to the provision of new housing. The appeal site is not within development limits defined in the plan. Neither is it part of a strategic site or site that is allocated for housing.
8. In summary, the proposal is contrary to Core Policies 1, 2 and 4 of the LP Part 1, which together set out the Council's approach to housing delivery across its area.

Character and appearance

9. The appeal site forms the eastern edge of a developed portion of land that is contained to the north by the B3090 and to the south by Windsbatch Hill. Existing development in this area is commercial and residential, with further dwellings to the south side of Windsbatch Hill. Although surrounded by agricultural land this cluster of built form is well developed and cannot be considered in itself to have a strong rural character.
10. Although elevated from the level of the road to the north, the site is well contained by mature vegetation along its eastern and northern boundary. This and the busy B3090 separate it from areas of open countryside to the north and east. Rather than exhibiting a strong rural character the site relates to the developed character of the existing dwelling and other development to the south and west. Indeed, there is no clear boundary between the site and the dwelling known as Pollyanna and evidence shows that the site has been used as a motorcross track for a number of years.
11. The appellant suggests that existing boundary vegetation would be retained, which would maintain the verdant appearance of the site from the road. This could be supplemented by additional planting if considered necessary to manage the visual impact of development at the site. Where built form would be glimpsed through the site access, or through gaps in vegetation it need not be visually isolated owing to the developed character of the area between the two roads, and the presence of the cottages fronting the B3090 to the east. Matters such as ridge heights and the extent of hardstanding could be managed at the TDC stage.
12. In summary, taking into account the limited scope of consideration of an application for PiP, I am satisfied that the appeal site would be suitable location for 1-5 dwellings in principle, without harming the character or appearance of the area. It would thus accord with Policies DP1, DP4 and DP7 of the LP Part 1,

which together seek to ensure that development proposals contribute positively to local identity and distinctiveness.

Other Matters

13. It is suggested that the existing access from the site onto the B3090 may have been recently formed. The site bounds the B3090, which means that access between the highway and the site is possible in principle. The detailed design of an access into the site, whether new or a modified version of the existing access, including whether it can be provided in a safe manner with an adequate level of visibility, are matters that would be dealt with at the TDC stage. There can be no guarantee that an application for TDC would follow a grant of PiP.
14. It has been brought to my attention that the access drive between the existing dwelling and Windsbatch Hill is not within the appellants ownership, despite its inclusion within the blue line area on the submitted location plan. However, the development of the site need not in any case rely on access from the south, and the use of the drive to access the site would be difficult given its narrow width and its tight alignment relative to Pollyanna. In any case planning permission at the site is not achieved unless TDC has also been granted and there is no expectation that it should automatically be granted following the grant of PiP. I am therefore satisfied that this matter is not fundamental at this stage, and it should not cause me to come to a different conclusion on the merits of the appeal.

Planning balance

15. The proposal would conflict with the most important policies of the development plan, as it would be contrary to the policies of the LP Part 1 which set out the Council's approach to delivering new dwellings.
16. The Council highlights that there are a substantial number of dwellings under consideration in adopted and emerging allocations and that it has exceeded its minimum level of housing growth for the plan period in rural settlements. However, it accepts that the tilted balance set out in paragraph 11 (d) of the Framework is engaged, as it is not able to demonstrate a 5 year supply of deliverable housing sites.
17. I am mindful that until TDC is granted to achieve a planning permission, any PiP cannot in isolation meaningfully contribute to a housing land supply shortfall. However, with reference to footnote 8 of the Framework, an application for PiP is an application that involves the provision of housing. I am therefore satisfied that the tilted balance should be engaged.
18. As a result, permission should be granted 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.
19. There is little infrastructure within the village of Oldford that would support the day to day needs of the occupiers of the proposed dwellings. However, a footway alongside the B3090 connects the site to a nearby bus stop, that would provide access for the short journey into Frome, which provides a wide range of local services and facilities that would meet the everyday needs of future occupants.

20. The Council has expressed concern regarding the condition of the footway close to the site, and I note the photos it has provided showing its overgrown condition. It is not clear why it had been left to get into this condition, but at the time of my visit the footway was clear and easy to navigate, and as a feature of the highway it would be reasonable to expect that it will be maintained in the future.
21. The distance between the site and the edge of the town is not far. A pavement alongside the road means that it would be a route that could be navigated safely on foot. This would be a particularly convenient means to access services and facilities in the north of the town such as the college. It is illuminated by streetlights for most of the length between the site and the town. Thus, I am satisfied that there are viable alternative means by which occupants of the proposed dwellings could travel between the appeal site and nearby services and facilities without using a private car. Notwithstanding this, should occupiers of the proposed dwelling choose to travel into Frome by car the journey would be short.
22. I am also mindful of the Council's recent grants of planning permission for residential development at Santoy and The Chalet. Both of these sites are close to the appeal site and within the same portion of land enclosed between Windsbatch Hill and the B3090. The appellant advises that both permissions require an access onto the B3090, and would therefore have very similar locational characteristics to the appeal proposal.
23. Paragraph 8 of the Framework sets out the three overarching objectives of the planning system. In the event that a subsequent application for TDC is granted, the proposal could see up to 5 dwellings erected at the site. Government policy is to significantly boost the supply of homes. The proposal could make a modest but measurable contribution to this objective. It could deliver some economic benefits during the construction phase and through the subsequent occupation of up to 5 dwellings at the site as occupiers of the dwellings make use of local services and facilities. The environmental objective could be satisfied as the site is close to a wide range of services and facilities in Frome that future occupiers could access without relying on a private car.
24. The proposal's conflict with policies of the LP Part 1 that seek to steer new development to locations within existing development limits weighs against the proposal. However, as the Council cannot demonstrate a 5 year supply of deliverable housing sites I give less weight to this conflict. Furthermore, my findings in relation to access between the site and local services and facilities that are not reliant on the private car weigh in favour of the proposal, as does the Council's recent grant of planning permission for residential development at two sites that are very close to the appeal site.
25. As such I am satisfied that the conflict with the LP Part 1 would not be sufficient to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies, and the weight I give to the Framework outweighs the conflict with the policies of the LP Part 1.

Conclusion

26. For the reasons above, and having regard to all other matters raised, the appeal should be allowed.

A Tucker

INSPECTOR