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# Appeal Decision

Site visit made on 16 January 2024

**by Mr Pinto BA, MA, MRTPI**

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

**Decision date: 19 March 2024**

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**Appeal Ref: APP/E3335/W/23/3328175**

**Land OS 8565 West of Pilgrims Way, Lovington, Castle Cary, Somerset, BA7 7PT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr. J Farthing, Brue Farms Ltd against the decision of Somerset Council.
  - The application Ref is 21/00502/OUT, dated 10 February 2021, was refused by notice dated 30 June 2023.
  - The development proposed is outline application with all matters reserved except for access and layout for the erection of 2 No. dwellings (self-build) and improvements to access and construction of footway.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately reflect the proposed development.
3. The appeal is for outline planning permission, with all matters reserved except for access and layout. The details submitted with the application include, but not limited to, Existing Site Survey (Ref: 20108-1), Proposed Site Plan (20108-3 C), Location Plan (20108-5), Indicative Proposed Street Elevation (11794 04) and Tree Protection Plan (October 2019). On all other matters but access and layout, I have considered these documents as a useful guide as to how the site might be developed but taken these are purely indicative.
4. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. I have taken this into consideration as part of my decision. However, there are no material changes relevant to the substance of the appeal.

## Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

6. The appeal site, referred to as 'Land West of Pilgrims Way, Lovington', is located on the edge of the village of Lovington and it consists of land part of a larger agricultural field situated along the northern side of the B3153, adjacent to number 8 Pilgrims Way. The appeal site includes a public right of way

- (PROW) which passes through the site diagonally and connects the existing B3153 road to the edge of the River Brue.
7. The proposal is for the construction of 2 self-build dwellings, accessed via an existing field gate positioned behind an established vegetation screen, which is proposed to be retained. The Appellant also proposes the construction of a short length of pavement along the road frontage which will link into the existing PROW, providing safer access.
  8. The site is in a prominent location, at the entrance of the village, and clearly visible from several different vantage points within public land. The character and appearance of the surrounding area is defined by large agricultural fields punctuated by some dispersed development, giving the area its distinctive rural, open and verdant character.
  9. Although there are some examples of ribbon development along the B3153, these are located further east from the appeal site, closer to the heart of the village and past the existing village pinch-point which does, visually and physically, contain its development. Consequently, I find that the appeal site is more readily linked to the rural, open and verdant area that lies to the west of this pinch-point which marks and contains the development of Lovington.
  10. Although the proposed development would be set back from the road and partially screened by existing established vegetation, it would still be clearly visible from surrounding open agricultural fields.
  11. The Appellant states, in paragraph 6.7 of its Grounds of Appeal Statement, that the proposed development extends no further west than the property directly opposite (Sunny Holme). From my site visit and the evidence provided, this is not the case as the main dwelling for Sunny Holme is located directly opposite the proposed access to the appeal site and does not extend the whole length of its plot. Consequently, although the proposed development would not extend further west than Sunny Holme, the proposed built form would. This would constitute a significant and material change to the character and appearance of the area.
  12. Policy EQ2 of the South Somerset Local Plan 2006-2028 (Local Plan) seeks to ensure that development is of high quality, promotes local distinctiveness and preserves and enhances the character of the area. Taking into consideration the prominent location of the appeal site and the rural, open, verdant character and appearance of the area, I find that the proposed development would not promote local distinctiveness and would fail to preserve or enhance its character and appearance.
  13. Furthermore, the proposed development would be highly visible from the nearby public footpath which crosses the appeal site. PROW users have high susceptibility to change and therefore, the proposed significant increase in built form and sense of enclosure would be quite impactful to those users and not in keeping with the rural outlook and sense of openness that dominates the character and appearance of the surrounding area.
  14. Although it is recognised that the mature hedging along the boundary of the appeal site with the B3135 and the western boundary of the site would provide some modest screening of the site from the road and the PROW, the proposed

development would still be clearly visible from public land as one approaches Lovington.

15. I therefore consider that the proposal would fail to reinforce local distinctiveness and fail to preserve and enhance the character of the surrounding area as well as the wider landscape. As such, it would be in conflict with LP Policy EQ2 which aim to protect against such harm.

### **Planning Balance**

16. The Council, in its Statement dated from the 19 December 2023, confirms that it cannot demonstrate a five year housing land supply (HLS) for the south area. This matter is not disputed by any of the parties. The suitability of the site of the proposed development, in principle, for residential development in accordance with Paragraph 11(d) of the Framework is not a matter of dispute either. Consequently, a presumption in favour of sustainable development and granting permission applies, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
17. I am mindful of the benefits of the proposal. The proposed development would make a modest, albeit important, contribution to the supply and mix of housing in the area. In addition to this, the proposal would also result in the construction of a new public footpath creating a safer and more convenient link between the existing PROW and the wider village. Finally, the development would also bring some economic and social benefits to the area, mostly from the construction and subsequent occupation of the proposed development. Due to the scale of the proposed development, these benefits would be modest, but nevertheless positive. Consequently, and as a whole, I attribute moderate weight to these benefits.
18. However, these benefits would have to be balanced against the harm identified.
19. For the reasons set out above, I have found that the proposed development would cause harm to the character and appearance of the area, which would be in conflict with Local Plan Policy EQ2. It would therefore conflict with the development plan as a whole. Overall, considering the prominent location of the appeal site, its level of visibility from a wide area and the permanence of the proposed development, I find this harm to be significant and, consequently, it would significantly and demonstrably outweigh the benefits identified.

### **Other Matters**

20. Although Policy SS2 of the Local Plan is included in the Council's original decision, a conflict with this policy is not referenced in the Council's Comments on the Appellant's Statement of Case or in his Grounds of Appeal Statement. In addition to this, the Officer's report recognises, in relation to policy SS2, that in light of the Council not being able to demonstrate a five year housing land supply, the principle of the proposed development is considered acceptable, dependent on other material considerations. Therefore the Council does not appear to be relying on this policy as part of their reasons for refusal. Consequently, I have not found it necessary to come to a conclusion on this matter in order to determine this appeal.

## **Conclusion**

For the reasons set out above, I conclude that the appeal should be dismissed.

*Mr Pinto*

INSPECTOR