



Appeal Decision

Site visit made on 12 March 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/E3335/W/23/3327749

1 & 2 Higher Farm Cottages, Higher Farm Lane, Podimore, Yeovil BA22 8JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Hopkins (Hopkins Estates Ltd) against the decision of Somerset Council.
 - The application Ref is 23/00431/FUL.
 - The development proposed is described on the application form as, "full application for the demolition of 2x existing cottages and erection of 1x replacement dwelling with associated works".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the local historic environment;
 - whether the proposed development complies with local policies which seek to limit the scale of replacement dwellings in the countryside; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Historic environment

3. The appeal site comprises a pair of semi-detached dwellings, located on a single-track lane to the north of the village of Podimore and the A303, which are surrounded by agricultural land. The main parties are in dispute as to whether these dwellings constitute a non-designated heritage asset.
4. In this regard, the dwellings appear to have been built between approximately 1839 and 1885. They have a clearly-articulated symmetrical form, with a traditional and attractive architectural design. The use of local stone and period detailing is evident. They remain largely intact in these respects, over 130 years from their likely date of construction. Whilst they are located some distance from Higher Farm House, Higher Farm Lane (a Grade II listed building), they share a historical association with Higher Farm House through their likely historic use as labourers' cottages. Indeed, their rather isolated location on a lane which leads directly to Higher Farm House reinforces their likely historic subordinate function in relation to the farmstead.

5. I therefore consider that, in accordance with the relevant advice in the Planning Practice Guidance¹, the dwellings have a degree of heritage significance meriting consideration in planning decisions such that they should be considered as a non-designated heritage asset. Paragraph 209 of the National Planning Policy Framework (the Framework) provides that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6. The proposed development would demolish an attractive pair of semi-detached dwellings which, as mentioned above, share a historical association with Higher Farm House which is evident from their age, design, use of materials, and location. It would thereby result in the total loss of their significance as a non-designated heritage asset, which is considerable in their local context. The value of the heritage asset to this and future generations would accordingly be lost. Hence, the proposed development would not be sympathetic to local history, nor would it safeguard the significance of the heritage asset on site.
7. I therefore find that the proposed development would have an unacceptable and harmful effect on the local historic environment. It would conflict with the first bullet point of Policy EQ3 of the South Somerset Local Plan (2006 – 2028) (adopted 2015) (Local Plan) which provides that, amongst other things, all new development proposals relating to the historic environment will be expected to safeguard or where appropriate enhance the significance and character of heritage assets.
8. The proposed development would also conflict with chapter 16 of the Framework which seeks to, amongst other things, conserve and enhance the historic environment.

Replacement dwellings in the countryside

9. The proposed new dwelling would have a much larger footprint than the existing dwellings on site, with a volume increase of approximately 110% over-and-above the existing dwellings. As such, the proposed development would conflict with the first bullet point of Policy HG8 of the Local Plan which provides that, amongst other things, the replacement of existing dwellings in the countryside will only be permitted where the scale of the replacement would not result in an unacceptably large increase in the size of the original dwelling.
10. Paragraph 10.55 of the Local Plan refers to permitted development rights in the context of determining what constitutes "disproportionate scale". However, Policy HG8 refers to a scale being "disproportionate" solely in relation to extensions to existing dwellings in the countryside, which is not proposed in this appeal. However, even if I were to find that the guidance in paragraph 10.55 of the Local Plan relating to "disproportionate scale" applied to the first bullet point of Policy HG8, I note that the proposed development would represent an approximately 37% increase in volume², over-and-above the existing dwellings as extended via permitted development rights as described by the appellant. This would constitute an unacceptably large increase in size.
11. I therefore find that the proposed development would not comply with local policies which seek to limit the scale of replacement dwellings in the

¹ Paragraph 18a-039-20190723

² Calculation: $((1365-992)/992) \times 100 = 37.60$

countryside. It would conflict with first bullet point of Policy HG8 of the Local Plan, which has been summarised above.

Character and appearance

12. As mentioned above, the existing dwellings are located on a single-track lane, and are surrounded by agricultural land. The presence of the agricultural barn to the south of the site and the outbuildings and agricultural barns at Higher Farm to the north of the site further reinforce the characterisation of the area as eminently rural.
13. The proposed development would replace the existing dwellings with a single dwelling and an associated garage. The proposed new dwelling would be of a greater scale and massing, and would protrude further into the site, than the existing dwellings. Nevertheless, the east elevation of the proposed new dwelling, facing Higher Farm Lane, would resemble an agricultural barn due to its shape and proposed materials (including timber cladding and a metal roof). Furthermore, the proposed new dwelling would be arranged on a 'H' plan, and its built form and use of materials would ensure that the design rationale of being read as a small cluster of barns would be achieved.
14. The site is largely shielded from view when approaching the site along Higher Farm Lane from the south, due to the presence of hedgerows on Higher Farm Lane. Views of the site would be further restricted by the hedgerow present to the southern boundary of the site, the trees present near the western boundary of the site, and the extensive areas of hedgerows present in many of the surrounding fields. If the proposed development were acceptable in all other respects, a landscaping scheme could be required by condition, which over time would also serve to mitigate the visual impact of the proposed new dwelling.
15. Considering this, and that a reasonable proportion of the proposed new dwelling would be single-storey, the proposed new dwelling would acceptably assimilate into its highly rural local and wider context in visual terms.
16. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the area. No conflict would arise with the first paragraph of Policy EQ2 of the Local Plan which provides that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.

Other Matters

17. The finding on the third main issue above is a neutral matter, which does not weigh in favour of the proposed development.
18. The Officer's Reports relating to the planning applications referred to at Sunrise, Stembridge³ and The Oaks, Rectory Lane⁴ do not refer to Policy HG8 of the Local Plan. The absence of the Local Planning Authority's reasoning with respect to the specific requirements of Policy HG8 means that the extent to which those applications are comparable with the appeal proposal is unclear. As no plans have been provided relating to the application referred to at The

³ Local Planning Authority reference: 23/00199/FUL

⁴ Local Planning Authority reference: 23/00818/FUL

Bothy, 7 Dillington⁵, a meaningful comparison with the appeal proposal cannot be made. As such, none of these examples changes my findings on the main issues above.

19. The demolition of the existing dwellings has been authorised via a prior approval application made under Class B of Part 11 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)⁶. Be that as it may, this appeal decision is based on the currently prevailing circumstances. If the existing dwellings were to be demolished, any future planning application would be dealt with by the Local Planning Authority on its own merits at that time. This is not a matter which alters my findings on the main issues above.

Planning Balance

20. I have had regard to the permitted development fall-back position, relating to the potential extension of the existing dwellings to the sides and to the rear. Taking account of *Mansell*⁷, and the appellant's statement that the fall-back position would be implemented in the event that planning permission for the proposed development is not granted, I consider that there is a real prospect that the fall-back position could be implemented.
21. If the existing dwellings were extended in this way, their heritage interest, described in the first main issue above, would be somewhat compromised by the introduction of sizeable extensions which would fail to harmonise acceptably with the traditional architectural form of the existing dwellings. However, much greater harm would be caused to the local historic environment if they were to be demolished. As the fall-back position would be less harmful in planning terms than the proposed development, it attracts little weight in support of the proposed development.
22. I have taken account of the examples of Energy Performance Certificate (EPC) ratings provided for other schemes. I note the intention to incorporate methods and technologies to achieve energy efficiency, and for renewable energy sources to be utilised. However, the assertion in the submitted Planning Statement that the existing dwellings have an EPC rating of G is inconsistent with the statement given in the submitted Design, Access & Heritage Statement that the existing building has an EPC rating of E. Similarly, the claim in the submitted Appeal Statement that an EPC rating of A could be achieved is inconsistent with the EPC rating of C specified in the submitted Planning Statement.
23. Considering these inconsistencies, and in the absence of technical evidence explaining how the potential energy performance has been calculated for this specific scheme, the benefits of proposed development with respect to sustainable design have not been fully substantiated. Thus, no more than moderate weight is given to this matter in support of the proposed development.
24. If the proposed development were acceptable in all other respects, a landscaping scheme could be required by condition, to ensure that cooling from vegetation in summer months would be achieved on site. Conditions could also

⁵ Local Planning Authority reference: 22/03460/FUL

⁶ Local Planning Authority reference: 23/01834/DEM

⁷ *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314

- be imposed to ensure compliance with the recommendations given in the submitted Ecological Impact Assessment, which would likely result in a minor net gain in the site's biodiversity value.
25. The provision of a study would facilitate home-working, and the inclusion of secure cycle parking and electric vehicle charging point(s) could potentially reduce reliance on fossil fuels. As the take-up of these options currently relies on an element of personal choice and circumstances, little weight has been given to these matters in support of the proposed development.
26. The proposed development would replace the existing dwellings with a dwelling which would be adequately-sized for contemporary living. The proposed development would provide work for construction professionals, and the future occupiers of the proposed new dwelling would likely contribute to the economic and community life of the local area.
27. The above-mentioned matters would denote compliance with relevant development plan policies and provisions of the Framework. Considering my findings with respect to sustainable design above, and noting that the proposed development would not result in a net gain in terms of the quantum of dwellings on site, moderate weight has been given to the collective benefits of the proposed development.
28. With regards to my findings on the first main issue above, I am mindful that paragraph 195 of the Framework provides that, amongst other things, heritage assets include buildings of local historic value, and these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. With respect to the second main issue above, it is important to note that paragraph 10.54 of the Local Plan refers to the policy aim to give protection to traditional smaller properties in the countryside, which the proposed development for a 5-bedroom dwelling would not advance. Great weight is therefore given to the proposed development's conflict with the relevant policies of the development plan.
29. As a matter of planning judgement I therefore find that the other considerations in this appeal, which include the collective benefits of the proposed development and the provisions of the Framework, do not indicate that the appeal must be determined otherwise than in accordance with the development plan.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR