



Appeal Decision

Site visit made on 17 July 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/E3335/W/23/3330446

Land adjacent to Palmers Farm, Rudge Lane, Standerwick BA11 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr L Parker against Somerset Council.
 - The application Ref is 2023/0355/FUL.
 - The development proposed is Erection of 1no. dwelling including home office and car port; creation of new vehicular access; new planting and biodiversity enhancement measures.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. dwelling including home office and car port; creation of new vehicular access; new planting and biodiversity enhancement measures on land adjacent to Palmers Farm, Rudge Lane, Standerwick BA11 2PT in accordance with the terms of the application, Ref 2023/0355/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matters

2. Following the submission of the appeal against non-determination, the Council has advised that if it had had the opportunity to make a decision, the application would have been refused for the following reason:

The site lies in the countryside where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities and would foster growth in the need to travel by private vehicle. The proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. The limited benefits of bringing forward housing supply and the limited economic benefits for the wider community do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), in addition, Policies within the National Planning Policy Framework to include paragraphs 11 and 12 and Chapters 9 and 12 and Planning Practice Guidance.

3. Thus, taking this together with my observations on site, I consider the main issues in this appeal are:

- Whether the appeal site is a suitable location for the appeal scheme having regard to the spatial strategy for housing in the development plan;
- Whether the appeal site is a suitable location for the appeal scheme having regard to the accessibility of services and facilities; and
- The effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Together, Core Policy 1 and 2 (CP1 and CP2) of the Mendip District Local Plan 2006 – 2029 Part 1: Strategy and Policies adopted December 2014 (LP) set out the development strategy in the plan area. It steers development towards the five principal market towns with development tailored to meet local needs being directed to primary and secondary villages. Development in the open countryside is strictly controlled.
5. There is no dispute between the main parties that the appeal site lies in the open countryside. Core Policy 4 (CP4) of the LP permits rural affordable housing, to be held in perpetuity for the benefit of the community where there is evidence of local need. However, the appeal proposal relates to the provision of open market housing and would therefore be contrary to CP4 of the LP.
6. The proposal would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the development plan including CP1, CP2 and CP4. This would undermine the planned approach to the distribution of development. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Access to services and facilities

7. The appeal site is a short level walk from The Bell public house and an indoor bowls facility in Standerwick. There are other small businesses operating from Standerwick including a dog grooming business but together, these facilities do not amount to those required for day-to-day living. Future occupiers would therefore need to travel further afield.
8. Mole Valley Farmers Cooperative sells a range of food and non-food items and would be accessible on foot from the appeal site. However, the lack of designated footways would mean that it was not accessible to all users.
9. The village of Lower Rudge has a public house. White Row Farm Shop has a restaurant, café, recreational facilities and a children's play area. Both are approximately 1km from the appeal site. Lower Rudge is accessed via Rudge Lane, a rural road with no street lighting or footways and subject to a 60mph speed limit whilst White Row Farm Shop is accessed via the A36, a busy, well-trafficked and unlit road with no footway. For these reasons, I find that neither route would be an attractive proposition for pedestrians. In any event, neither destination would provide future occupiers of the appeal site with access to schools, employment opportunities or medical facilities.

10. Berkeley has a primary school. I saw that this was located on a road with verges either side but no footway. Parts of the route are also subject to the national speed limit. I therefore find it unlikely that future occupiers of the appeal property would walk to school and I have not been advised that there is a dedicated school bus service.
11. My attention has been drawn to footpaths and bridleways in the local area. However, I saw at my site visit that those closest to the appeal site are unsurfaced and unlit tracks across fields. These routes would not be accessible to all users and neither would they be desirable in the dark or inclement weather.
12. The appellant has referred me to the villages of Beckington and Dilton Marsh, the market town of Frome and the location of four mainline stations. However, I have not been advised that any of these are accessible by public transport from the appeal site and given that these locations would be accessed either via Rudge Lane or the A36, I do not find that these locations would be well placed for future occupiers of the appeal site to conveniently access services and facilities other than by using the car.
13. Therefore, whilst there are some services and facilities which could be accessed on foot from the appeal site, the appeal site is not well placed for convenient access to services and facilities other than by using the car. This would conflict with CP1 and CP2 of the LP which seek to focus new development in locations where rural residents have good access to basic services and facilities including a public transport choice.

Character and appearance

14. Rudge Lane has residential properties, the public house and the bowling facility in a cluster around the junction with the A36. Moving north eastwards along Rudge lane, the cluster of residential properties gives way to a more dispersed character with residential properties separated by fields and open land.
15. The appeal site comprises a triangular-shaped field enclosed on all three sides by an established hedge. There is an existing field gate towards the eastern end of the site, with access on to Rudge Lane. Existing residential properties are not contiguous with the appeal site boundary.
16. The site is clearly rural in character and erecting 3 buildings on it would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate and the proposals for the entrance gate would add to this urbanising effect. That said, the buildings are single storey which reduces the mass of new development on the site. In addition, the established boundary planting means that it would be well screened from the surrounding area and public views into the site are limited. Whilst the appeal proposal would be visible, this would mainly be from the point of access, with the impact being very localised. As such, whilst I find that there would be harm to the character and appearance of the area, the harm in this instance would be minor.
17. Policy DP4 of the LP seeks to prevent development that would significantly degrade the quality of the local landscape. However, as the harm I have identified is on the lower end of the scale, I find no conflict with this policy.

18. That said, there would be some conflict, albeit it limited, with Policies DP1 and DP7 of the LP which seek to ensure that new development contributes positively to the maintenance and enhancement of local identity and distinctiveness, and of a scale, mass, form and layout which is appropriate to the local context.

Planning Balance

19. When taken as a whole, the proposal would be contrary to the development plan. A proposal should be determined in accordance with the development plan, unless material considerations indicate otherwise¹. The National Planning Policy Framework (the Framework) is a material consideration of significance.
20. The Council do not dispute that they are currently unable to demonstrate a five-year housing land supply at odds with Paragraph 77 of the Framework. Consequently paragraph 11 d) of the Framework is engaged whereby permission should be granted 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.
21. The Council refer to the site as being isolated. However, Standerwick is a cluster of houses with a small number of facilities. Notwithstanding my findings regarding the use of the private car, the appeal site is a short, level walk from these and therefore the appeal site would not be isolated in the context of Paragraph 84 of the Framework. I therefore find no conflict in this respect.
22. That said, the Framework does not state that a proposal must be approved if it is not isolated. The Framework needs to be read as a whole including the need to protect the intrinsic character and beauty of the countryside and the section on promoting sustainable transport. Whilst there is a growing move towards working from home and online shopping, this would not negate the need for people to travel to access services such as health and education. The Framework seeks to promote walking, cycling and public transport and I have found that opportunities to do so in respect of the appeal proposal would be limited.
23. The proposal would undermine the spatial strategy in the development plan but a rigorous application of Policy CP1 and CP2 would frustrate attempts to remedy the housing shortfall and would not significantly boost the supply of homes as required by Paragraph 60 of the Framework. CP1 and CP2 are also broadly consistent with the aims of promoting sustainable transport but this needs to be balanced with the advice in Paragraph 83 of the Framework that housing should be located to enhance or maintain the vitality of rural communities including those in a nearby village. I have also found there would be minor harm to the character and appearance of the area and therefore limited conflict with Policies DP1 and DP7 of the LP. For these reasons, I afford only moderate weight to the conflict with these policies in this instance.
24. The appellant has provided evidence² which indicates that the Council's housing land supply position stands at 3.7 years, and the Council have not disputed this. This is a significant shortfall and indicates that there is a pressing need for housing. Accordingly, the construction of one dwelling would make a small but meaningful contribution towards the Council's housing supply and there is

¹ Section 38(6) Planning and Compulsory Purchase Act 2004

² Mendip District Statement on Five Year Housing Land Supply – October 2022

nothing to suggest the proposal could not be delivered quickly. There would be benefits to the local economy arising from the construction and occupation of the dwelling with increased patronage of local facilities including those in nearby settlements. Together I give these benefits moderate weight.

25. The appellant has drawn my attention to the low carbon design and ecological benefits. I also note that an electric vehicle charging point is proposed and that its single storey construction would meet the access needs of wheelchair users. However, these are all matters which the Council say would be expected in any new development and this is reflected in Policy DP7 of the LP. I therefore find that rather than being benefits of the proposal, these aspects are neutral in the planning balance.
26. Nevertheless, the adverse impacts of the appeal scheme in combination would not significantly and demonstrably outweigh its cumulative benefits. This is a important material consideration that in this instance indicates the appeal should be determined otherwise than in accordance with the development plan.

Conditions

27. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Council. I have undertaken minor editing where required.
28. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. I have not included drawing numbers 2213 02-93-01, 02, 03, 04, 05 and 06 as these are rendered images which are not to scale.
29. A condition requiring a sample panel of the proposed materials is necessary in the interests of visual amenity. Conditions requiring that access, visibility, parking and turning areas are provided and thereafter retained are necessary in the interests of highway safety. Conditions are also necessary in the interests of highway safety to ensure that the access surface is bonded and gates open inwards. I have also attached a condition to secure the necessary biodiversity enhancements.

Conclusion

30. The proposed development would be contrary to the development plan but in this instance material considerations, namely the Framework, indicate the proposal should be determined otherwise than in accordance with the development plan. Thus, for the reasons given, the appeal has succeeded and planning permission is granted.

Alison Fish

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

2213 02-01-01	Existing Site Plan
2213 02-01-02	Existing Location Plan
2213 02-01-04	Proposed Location Plan
2213 02-02-01	Proposed Site Plan
2213 02-03-01	Proposed House Plan
2213 02-03-02	Proposed House Roof Plan
2213 02-03-03	Proposed Home Office Plans
2213 02-03-04	Proposed Garage Plans
2213 02-03-05	Proposed Entrance Gate Plan
2213 02-05-01	Proposed House North Elevation Plan
2213 02-05-02	Proposed House West Elevation
2213 02-05-03	Proposed House South Elevation
2213 02-05-04	Proposed House East Elevation
2213 02-05-05	Proposed Home Work Unit Elevations
2213 02-05-05	Proposed Home Work Unit Elevations (Coloured)
2213 02-05-06	Proposed Car Port Elevations
2213 02-05-07	Proposed Car Port Elevations (Coloured)
2213 02-05-07	Proposed Entrance Gates
2213 02-92-02	Proposed House North Elevation (Coloured)
2213 02-92-03	Proposed House West Elevation (Coloured)
2213 02-92-04	Proposed House South Elevation (Coloured)
2213 02-92-05	Proposed House East Elevation (Coloured)
- 3) No construction of the external walls of the development shall commence until a sample panel of all materials to be used in the construction of the external surfaces has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed palette of materials (including stonework, timber and standing seam cladding) to be used in the development. The approved sample panel shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panel.
- 4) The development hereby permitted shall not be occupied until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.
- 5) The development hereby permitted shall not be occupied until a visibility splay has been provided at the access measuring 2.4m back from the carriageway edge to a centre line of the access and extending 43m either

side of the access to points at the near carriageway edge. There shall be no obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

- 6) The development hereby permitted shall not be occupied until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6m from the adjoining carriageway edge.
- 8) The development hereby permitted shall not be occupied until the recommendations as set out within chapter 7 of the Preliminary Ecological Appraisal Report by KJF Consultancy dated 13 October 2022 have been carried out. The ecological enhancement measures shall be retained thereafter.

End of Conditions