



Appeal Decision

Site visit made on 30 October 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/E3335/W/23/3332529

Grangers, Stowell Road, Stowell, Milborne Port, Somerset DT9 4PD

- 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 Mrs P Moorse c/o Mr and Mrs K Moorse against the decision of Somerset Council.
 - The application Ref is 22/03488/OUT.
 - The development proposed is to erect single dwellinghouse and construct access thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an outline proposal with matters relating to access, appearance, landscaping, layout and scale reserved for future consideration. I have considered the appeal accordingly and treated the submitted plans where relevant as indicative with regards to the outstanding matters.
3. The reason for refusal refers to the existing dairy business and milking parlour facilities at Stowell Farm. The proposal relates to Clare Farm, and this is therefore assumed to be a typographical error.

Main Issue

4. The main issue is whether the appeal site is a suitable location for a dwelling, having regard to the access of future occupiers to services and facilities and the policies and local planning policies.

Reasons

5. The appeal site comprises an open area of land in Stowell which is a small rural settlement formed primarily of loose-knit development, open spaces and farms. It is proposed to construct a detached dwelling on the appeal site.
6. Policy SS2 of the South Somerset Local Plan (2006 – 2028) Adopted 2015 (LP) requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services listed in the plan.
7. Stowell benefits from a church, however there are no other services or facilities available within the settlement. Consequently, the proposal would conflict with Policy SS2.

8. More services and facilities are available at other villages and towns in the wider area. The National Planning Policy Framework (the Framework) recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, other settlements in the area are not closely associated with Stowell and it is not readily apparent that it is part of a cluster of villages.
9. Furthermore, other settlements would only be accessible from the appeal site via unlit, footpaths or rural lanes, the majority of which do not benefit from pavements. As such walking or cycling to access services and facilities would be unlikely to be an attractive option for the majority of people and there are no public transport options available nearby. Consequently, future residents are likely to be highly dependant on a private motor vehicle to fulfil their day-to-day needs.
10. The Council have approved the removal of a holiday let condition in respect of a building at Clare Farm and a new dwelling, now known as Magdalene House in Stowell in recent years. However, these decisions do not justify the provision of a new dwelling in an unsuitable location. I have been referred to examples of approved schemes for dwellings at Yenston however, based on the evidence, the future residents of these approved dwellings would have a greater degree of access to services and facilities than future occupiers of the appeal scheme.
11. I have also been referred to an appeal decision¹ in which the Inspector allowed 8 dwellings outside of a defined development boundary. The Inspector found that the relevant development plan policy did not fully accord with the Framework. I have not been provided with full details of the scheme or the relevant policy, however it relates to a site in a different local authority area and subject to a different local plan. It is therefore of limited relevance to this appeal.
12. I conclude that the appeal site is not a suitable location for a dwelling, having regard to the access of future occupiers to services and facilities and local planning policies. It therefore conflicts with Policies SD1, SS1 and SS2 of the LP. Together these seek to ensure that rural housing is located in settlements that have good access to key services.

Other Matters

13. I am aware that the appeal site is close to the Grade II listed building 'Clare Farmhouse'. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The verdant rural surroundings of Clare Farmhouse of which the appeal site forms part, positively contributes to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. A lack of harm in this respect is a neutral factor in the appeal.
14. The appeal site is within the catchment of the Somerset Levels and Moors Ramsar site. However, as I am dismissing the appeal there is no requirement for me to consider this matter further.

¹ APP/W3520/W/18/3207786

Other Considerations

15. Set against the harm identified, the proposal would deliver one new dwelling. This would support the Government's aim of significantly boosting the supply of homes and improve the current shortfall in the District's housing land supply. However, the contribution of one dwelling would be limited in this context, and I attach minor weight to this benefit. There would be temporary and ongoing economic benefits from the development but given its small scale this would attract relatively little weight.
16. It is intended that funds arising from the development would provide a capital receipt to be invested in the farm. A Business Case has been submitted which outlines the areas in which upgrades to buildings and equipment is required. The report does not indicate what alternatives have been considered. However, in any event, no mechanism has been put to me, such as a planning obligation which would ensure that the stated investment would occur. Accordingly, I attach little weight to this matter.
17. I recognise that the Parish Council support the proposal however this does not alter my findings. The lack of harm in respect of character and appearance, heritage assets, living conditions, highway safety, biodiversity, ecology and flood risk are neutral factors in the appeal.

Planning balance

18. The proposal would result in harm through the provision of a dwelling in an unsuitable location having regard to the access of future occupiers to services and facilities and local planning policies. The conflict with Policies DS1, SS1 and SS2 of the LP should be given significant weight in this appeal.
19. As there are no policies in the local plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
20. The Council cannot demonstrate a five-year supply of deliverable sites. The Council contend that the supply stands at 3.44 years based on the most recent assessment. In such circumstances paragraph 11d) of the Framework establishes that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. As described, the benefits associated with one dwelling would be relatively minor even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position. The Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing rather than land in the countryside and for development to facilitate access to high quality public transport as far as possible.
22. Consequently, the adverse impacts of a dwelling in an unsuitable location would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

E Pickernell

INSPECTOR