



## Appeal Decision

Site visit made on 29 November 2024

**by Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

**Appeal Ref: APP/E3335/W/24/3344906**

**Land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Solution Property against the decision of Somerset Council.
- The application Ref is 2024/0497/PIP.
- The development proposed is described on the application form as, "Permission in Principle – erection of a three dwellings".

### Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset in accordance with the terms of the application, Ref 2024/0497/PIP.

### Preliminary Matters

2. The proposal is for permission in principle. The consent route for which has 2 stages: the first stage (permission in principle) 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. The scope for the consideration of a scheme for permission in principle is limited to location, land use, and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
3. As the appeal relates to the principle of the proposed development, I have treated the Proposed Site Plan<sup>1</sup> as being indicative only.
4. The Planning Practice Guidance (PPG) advises that where permission in principle is granted following an application, the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted<sup>2</sup>. I have determined the appeal accordingly.
5. A revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the revised Framework in my decision.

<sup>1</sup> Proposed Site Plan (drawing no. 1660-SK-500)

<sup>2</sup> Paragraph 58-052-20180615

## **Main Issues**

6. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to:
  - the spatial strategy in the development plan and the accessibility of services and facilities; and
  - the effect of the proposed development on the character and appearance of the area.

## **Reasons**

### *Location*

7. The appeal site comprises a field located on the southern edge of Oldford in Somerset. The Council have characterised the site as being in the open countryside in planning policy terms, and this has not been disputed by the appellant. In such areas, Core Policy 1 of the Mendip District Local Plan 2006-2029 – Part 1: Strategy and Policies (adopted 2014) (Local Plan) provides that, amongst other things, development will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 of the Local Plan. The proposed development does not however fall within any of the development types listed in Core Policy 4. Consequently, the proposed development is in conflict with the spatial strategy in the development plan.
8. Services and facilities in Oldford are limited, comprising a restaurant and a nursery. Nevertheless, Oldford is within walking distance of Frome, which is identified in Core Policy 1 as a Principal Settlement. Regular bus services to Frome are also within walking distance of the site. Although the footway leading to the bus stops in Oldford is occasionally narrow, it is safe and useable. I observed that visibility at the entrance to the site on Oldford Hill is sufficient to enable Oldford Hill to be safely crossed to access the footway on the opposite side of the road.
9. As such, although the future occupiers of the proposed development would likely travel to Frome to meet many of their day-to-day needs, Frome can be reasonably and conveniently accessed by sustainable modes of transport, including walking and by bus. No conflict would arise with Policy DP9 of the Local Plan which provides that, amongst other things, where appropriate, development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car). This does not however overcome the conflict with the spatial strategy identified above.
10. I therefore find that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the spatial strategy in the development plan. The proposed development would conflict with Core Policies 1 and 4 of the Local Plan which collectively set out the spatial strategy for sustaining rural communities in Mendip.

### *Character and appearance*

11. The site lies adjacent to Oldford Hill and to the south of 2 detached dwellings known as St Brelades and The Laurels which form part of a cul-de-sac. An

agricultural barn (which benefits from an extant grant of prior approval for use as a dwelling) and Oldford Residential Park are also sited to the north of the site. Buildings and structures associated with Rockhouse Farm are present opposite the site on the other side of Oldford Hill.

12. As only a maximum of 3 dwellings are proposed on this modestly-sized site, the proposed development would result in a minor incursion into the open countryside. When seen from Oldford Hill, the proposed dwellings would be visually associated with the existing residential development to the north of the site.
13. At technical details consent stage, the Council could ensure that an appropriate layout, orientation, and boundary treatment for the proposed dwellings is secured, as well as appropriate soft landscaping measures across the site as a whole. This would ensure that the proposed development would visually represent the termination of residential development in Oldford, with a layout reflective of its context. The technical details consent stage would also give the Council the opportunity to ensure that views through the site to the open countryside are maximised.
14. Whilst the existing access to the site is in place, a layout could be devised at the technical details consent stage which would minimise the degree to which the proposed development would be separated from existing residential development on Oldford Hill, for example by siting some / all of the proposed dwellings close to the northern boundary of the site.
15. I therefore find that the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect of the proposed development on the character and appearance of the area. It would comply with Policy DP1 of the Local Plan which provides that, amongst other things, all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and with Policy DP4 of the Local Plan which provides that, amongst other things, proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

### **Other Matters**

16. The appellant has referred to a planning permission at Overbrook, Windsbatch Lane, Oldford<sup>3</sup>. The indicative information referred to in the Council's Officer's Report for that application has not been provided. Also, the Officer's Report does not discuss matters of sustainable transport in any detail. For these reasons, based on the limited information before me, that permission does not lend support for the proposed development. It does not change my findings on the main issues above.
17. The housing mix of the proposed development, its layout in terms of the living conditions of the occupiers of nearby residential dwellings, and the provision of visibility splays at the proposed access in terms of highway safety, would all be considered at technical details consent stage. In this regard, there would be no planning permission unless and until technical details consent has been granted. These are not matters which change my findings on the main issues above.

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<sup>3</sup> 2020/2029/OTS

18. The finding on the 2<sup>nd</sup> main issue above, in relation to the character and appearance of the area, is a neutral matter, which does not weigh in favour of the proposed development.
19. The proposed development would not set a precedent, as any future planning applications would be considered by the Council on their own merits.

### **Other Considerations and Planning Balance**

20. The proposed development would not accord with the spatial strategy in the development plan, resulting in conflict with Core Policies 1 and 4 of the Local Plan. No other Local Plan policies have been cited which might support the proposed development. It follows that the proposed development would conflict with the development plan when considered as a whole. However, taking account of the limited maximum quantum of development proposed and the adequate accessibility of the site by sustainable modes of transport, the adverse impacts of the proposed development arising from its conflict with the spatial strategy would not be significant. The conflict with Core Policies 1 and 4 of the Local Plan has therefore been given limited weight.
21. It is common ground between the main parties that the Council is currently unable to demonstrate the necessary forward supply of housing sites, as required by the Framework, with a housing land supply figure of approximately 3.24 years being quoted by the main parties. Hence, paragraph 11 d) ii. of the Framework is engaged.
22. The proposed development would provide a modest but valuable contribution towards housing land supply, in the context of the Council's notable shortfall. Moreover, the future occupiers of the proposed development would likely contribute towards the economic vitality of Frome, and the indicative details and the submitted Ecological Appraisal demonstrate that a 10% increase in linear habitat units on site is feasible.
23. The proposed development would accordingly contribute towards the Government's objective of significantly boosting the supply of homes. Given that the site would be appropriately sustainable in terms of its location, it would maximise sustainable transport solutions in accordance with paragraph 110 of the Framework, which is a key policy for the purposes of paragraph 11 d) ii. Additionally, the proposed development would ensure that sustainable transport modes are prioritised, in line with paragraph 115 of the Framework, which is also a key policy for the purposes of paragraph 11 d) ii.
24. Taking all of the above into account, the adverse impacts of granting permission in principle would be limited. These adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The proposed development would benefit from the presumption in favour of sustainable development, which is a factor which weighs heavily in support of the proposed development.
25. Therefore, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), as a matter of planning judgement I find that the other

considerations (which include the Framework's presumption in favour of sustainable development which the proposed development benefits from), indicate that the appeal should be determined otherwise than in accordance with the development plan.

### **Conditions**

26. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle<sup>4</sup>.

### **Conclusion**

27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations (including the representations of all interested parties), I conclude that the appeal should be allowed.

*Alexander O'Doherty*

INSPECTOR

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<sup>4</sup> Paragraph 58-020-20180615