



Appeal Decision

Site visit made on 8 January 2025

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2025

Appeal Ref: APP/E3335/W/24/3349069

Land at Lanes End Hill, Rodden, Frome, Somerset BA11 5LD

- 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 Messrs Robert & Daniel White against the decision of Somerset Council.
 - The application Ref is 2024/0852/PIP.
 - The development proposed is application for permission in principle for residential development of 3 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2024. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken the submissions received into account in my decision.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters are addressed as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. I have regarded the submitted drawings as illustrative, other than in respect of the matters for consideration at the permission in principle stage.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site comprises the northeast part of a larger field within open countryside. The field slopes down to the west with the appeal site occupying an elevated position. The wider field is partly bound by hedgerows with farm buildings located on the lower ground to the west. The site is part of a rolling patchwork of fields and arable farms which are interspersed with wooded areas and hedgerows. It is therefore typical of the characteristics of the Selwood, Berkley and Rudge Ridges sub area of the Upper Frome Valley landscape character area identified in the Mendip Landscape Character Assessment (2020).
8. The appeal site is a broadly wedge-shaped area with access from an existing point from the A362. It is bound by residential development to the east from which it is separated by a mixed hedgerow of varying thickness. Although it is close to other development the appeal site is experienced as part of the open countryside, outside of any settlement.
9. It is proposed to construct up to three dwellings at the appeal site, accessed via the existing access point. Whilst the plans are indicative, and the appearance of the dwellings not known, it is inevitable that the proposed dwellings would result in the loss of open space in this area. The presence of up to three dwellings along with any associated structures, hardstanding and domestic paraphernalia would result in an urbanising effect on the appeal site. This would result in an incongruous domestic incursion into the open countryside which would be harmful to the character and appearance of the area.
10. The development strategy for the area is set out in Policy CP1 of the Mendip District Local Plan (adopted December 2014) (LP). The policy seeks to direct the majority of development towards the principal settlements in the area with development tailored to meet local needs in primary and secondary villages. In other villages and hamlets development may be permitted in line with the provisions set out in Policy CP4. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions of CP4. The appellant accepts that the provision of three dwellings on the appeal site would be in direct conflict with Policy CP4 of the LP. Consequently, the provision of dwellings in this location would conflict with the development plan for the area.
11. The appeal site is adjacent to the administrative boundary with Wiltshire and adjoins the settlement boundary of Corsley which comprises three separate clusters. Corsley is defined as a large village in the Wiltshire Core Strategy (adopted 2015). Across the three clusters Corsley provides some services and facilities including public houses, meeting place, places of worship, garden centre and some sports provision.
12. However, education, retail and employment opportunities are relatively limited in the area, and it is therefore likely that future occupiers would be reliant on a private car to meet the majority of their day-to-day needs.
13. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also expects development to prioritise pedestrian and cycle movements. Policy DP9 of the LP seeks to ensure that development improves or maximises the use of sustainable forms of transport and makes safe and satisfactory provision for access by all means of travel.

14. There is a bus stop and a public house within relatively close proximity to the appeal site. However, accessing these facilities, and those further afield by foot or bicycle would require residents to navigate along a busy section of the A362 which does not benefit from pavements or lighting. I am therefore not satisfied that any of the facilities or services available nearby could be safely accessed by means other than a motor vehicle and therefore do not offer realistic alternatives to car travel.
15. Consequently, I conclude that the appeal site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. It would therefore conflict with Policies CP1, CP4, DP1, DP4 and DP9 of the LP. Together, these seek to ensure that development in the open countryside is strictly controlled and that development proposals contribute to local distinctiveness, take account of landscape character and maximise the use of sustainable forms of transport.

Other Matters

16. I am aware that the appeal site is within the bat consultation zone of the Mells Valley Special Area of Conservation. However, as I am dismissing the appeal there is no requirement for me to consider this matter further.

Other Considerations

17. Subject to the granting of subsequent technical details consent the proposal would provide three dwellings which would make a modest contribution to the Council's housing land supply. The site is relatively small and could be built out quickly. The proposal would result in minor social and economic benefits as a result of future residents contributing to the local economy and supporting services. These factors weigh in favour of the appeal.
18. The appeal site could be landscaped, although this would not mitigate the harm I have identified in respect of the character and appearance of the area. The lack of harm in respect of the setting of the National Landscape, setting of heritage assets, flooding and ecology are neutral matters in the appeal.

Planning Balance

19. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
20. The proposal is not in accordance with Policies CP1, CP4, DP1, DP4 and DP9 of the LP insofar as it would result in development in the countryside which would have a harmful effect on the character and appearance of the area and with poor access to services and facilities. In this regard these policies are consistent with the Framework which seeks to ensure that developments are sympathetic to their landscape setting, direct development to sustainable locations, prioritise sustainable modes of transport and actively manage patterns of growth to support the objective of promoting sustainable transport. Consequently, I attach substantial weight to the conflict with these policies.
21. 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.

22. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites in line with Government expectations. The appellant contends that as a result of the recent changes to the Framework the Council now have to deliver an additional 1,100 homes a year and allow for a 5% buffer. The Council have not disputed this. Because of this, paragraph 11d) of the Framework is engaged.
23. Although the proposal would support the objective of boosting the supply of homes, the contribution that the proposal would make to the overall position and the other benefits identified would be relatively minor. Set against the identified benefits the proposal would conflict with the spatial strategy for the area, fail to provide adequate access to services and facilities and would result in significant harm to the character and appearance of the area. I therefore find that the adverse impacts of granting permission in principle would 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. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. 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, the appeal is dismissed.

E Pickernell

INSPECTOR