
Appeal Decision

Site visit made on 12 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2025

Appeal Ref: APP/E3335/W/24/3346542

Land to the East of Edford Hill, Holcombe, BA3 5DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr N Scott of John Scott Builders Ltd against the decision of Somerset Council.
 - The application Ref 2023/2074/OUT, dated 25 October 2023, was refused by notice dated 19 December 2023.
 - The development proposed is outline application for the erection of up to nine dwellings with associated alterations to the existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was submitted in outline with all detailed matters, except for access, reserved for a subsequent reserved matters application. An illustrative site layout (PL4432/3) accompanied the outline application. I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect up to 9 dwellings on the site.
3. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
4. For reasons of precision and clarity, I have taken the description of development from the appellant's planning application form.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would have an adverse effect upon protected species;
 - Whether there would be an adverse effect upon the living conditions of future residents, in particular in relation to odour from the nearby treatment works;
 - Whether the location is sustainable, in terms of access to services and facilities; and
 - The effect of the proposal upon the character and appearance of the area.

Reasons

Protected species

6. Policy DP05 of the Mendip District Local Plan (MDLP) identifies that new development must ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species.
7. The appeal application was supported by an Ecological Appraisal, which was reviewed by the Council ecologist and found to be deficient and additional survey data was sought, along with further details in relation to lighting and the retention of hedgerows. In their consultation response, Natural England (NE) sought the submission of a lighting strategy, along with a Construction Environmental Management Plan (CEMP) and a Landscape and Ecology Management Plan (LEMP).
8. Following the submission of the appeal, further information in the form of a detailed response to the comments from the Council ecologist was submitted by the appellant. This additional work concluded that, subject to the use of appropriately worded planning conditions to ensure the delivery of the appropriate mitigation and enhancement measures, no significant reduction in the ecological interest of the site or its surroundings would arise as a result of the proposed development. The suggested conditions would also make provision for the submission of a CEMP, LEMP and a lighting scheme.
9. Having reviewed the additional detail provided by the appellant, along with the conclusions of the appellant's ecological assessment, I consider the proposed development does now adequately deal with ecology matters. Furthermore, I am also satisfied that, through the use of appropriately worded conditions, the additional detail and necessary mitigation measures can be adequately secured.
10. I note that the appeal site lies within Band C of the consultation zone for the Mells Valley Special Area of Conservation (SAC), designated in part due to its internationally important populations of greater horseshoe bats. Whilst the proposed development would result in the loss of potential habitat, the proposed development would include replacement habitat on land controlled by the appellant. Furthermore, I note that in response to the comment from NE in relation to lighting, the appellant has proposed to address this through the submission and approval of an appropriate lighting scheme via a planning condition. Thus, with the mitigation proposed, the potential adverse effect would be avoided, and the integrity of the SAC would not be adversely affected.
11. I therefore conclude that the proposed development would not have an adverse effect upon protected species and, in this regard, would accord with Policy DP5 of the MDLP and the Framework.

Living conditions

12. Policy DP07 of the MDLP identifies that proposals should deliver high quality design which results in usable, durable, adaptable, sustainable and attractive places. Amongst other things, this includes providing a satisfactory environment for future occupants. Policy DP07 states that development will be

required to demonstrate that it does not give rise to unacceptable adverse environmental impacts.

13. To the south east of the appeal site lies the Edford Waste Water Treatment Works. The appeal application was supported by an odour assessment, which concluded that the risk of odour effects was considered to be slight and that the effects would be insignificant. These conclusions were supported by the Council's Environmental Health Officer.
14. Wessex Water sought additional survey work, given the proximity of their operational facility. Whilst not supplied during the course of the appeal application, this additional assessment was provided as part of the appeal submissions, with the appellant confirming that the results of this additional assessment did not alter the overall conclusions of their initial assessment.
15. There is no evidence before me to demonstrate that Wessex Water are content with the findings of the additional survey work. However, given that in their consultation response on the appeal application, they confirmed their broad agreement with the conclusion of the appellant's assessment, I see no reason to doubt that the results of this additional work would lead them to come to anything other than the same conclusion.
16. I therefore conclude that the proposed development would not give rise to any adverse environmental impacts with regards to odour and, in this respect, the proposed development would accord with Policies DP7 and DP8 of the MDLP and the Framework.

Location

17. The site lies outside the defined settlement boundary of Holcombe and therefore on land defined as countryside. The MDLP principally directs development to five principal settlements, with development beyond this focused to meet rural needs at identified Primary and Secondary Villages. Holcombe is defined in Policy CP01 of the MDLP as a Secondary Village, which are considered to offer some services and the best available public transport services making them appropriate for development aimed at meeting more localised housing, business and service needs.
18. In identifying land for development, the emphasis of the MDLP is on maximising the re-use of appropriate previously developed sites and other land within existing settlement limits, and then at the most sustainable locations on the edge of the identified settlements. Any proposed development outside the development limits, is to be strictly controlled and only permitted where it benefits economic activity or extends the range of facilities available to the local communities.
19. Holcombe has a limited number of services and facilities, all of which are located within a reasonable proximity of the appeal site. There is a farm shop located to the south, which is in a relatively easy walking distance. However the route would be along an unlit road, which includes a number of bends, along with an incline and, as such, it would not encourage such journeys, particularly by people with young children or people with disabilities.
20. The appellant has highlighted further facilities and services at Stoke St Michael and Coleford, both Primary Villages, that offer other services, including a medical practice. Looking at how that travel would be undertaken, there is a

bus service, the Midsomer Norton to Frome bus route which provides a 2-hourly service Monday to Friday, with the bus stop located within the village. Given the limited service offered, it is therefore likely that most trips would be made by private vehicles. Once in their cars the residents would probably also then go further than Stoke St Michael and Coleford given that the range of services in these villages is limited compared to those in the urban areas such as Frome, Midsomer Norton, Shepton Mallet and Wells. As a result, given the location of the site, there is no doubt that residents of the new houses would need to travel to access services to meet daily living needs.

21. The sustainability issue is only seriously tackled by ensuring that development occurs in the right place where services and facilities are much more readily accessible. I do not find that to be the case here, with most journeys likely to be undertaken by private vehicles, which is the least sustainable mode of transport. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited. However, in this case, I find the characteristics of the location to be one that would fail to encourage future residents to use alternative modes of transport or be in a location where alternative modes are a realistic choice. It is therefore likely that future residents would rely heavily upon private vehicles to access local services and facilities. As such, whilst the appeal site is positioned on the edge of the identified settlement of Holcombe, I do not find it to be in the most sustainable location.
22. I therefore conclude that the appeal site does not provide a suitable location for housing and, in this respect would be contrary to Policy CP01 of the MDLP and the Framework.

Character and appearance

23. The appeal site comprises an open parcel of land, with an existing access to Edford Rural Business Park to the south. Further to the south, clustered around the Business Park are a number of properties and the Holcombe Farmshop which is located at the bottom of the valley. To the north lies the rear of the properties on Edford Hill, beyond which is the main settlement of Holcombe. To the east and west are open fields. Further to the east is a large builders merchants, although views are limited by intervening landscaping. The appeal site slopes in a southerly direction and, due to its open and undeveloped nature, there are clear views across the site to the wider countryside beyond.
24. Despite its location between existing development, I consider the appeal site to be an open and undeveloped area which is important to both the setting of the village and ensuring the retention of a gap in development which prevents it from merging with existing development to the south. The proposal would extend ribbon development along Edford Hill and would result in the loss of the majority of this gap. The domestic paraphernalia that the proposed development would generate would add to this urbanising effect. As such, it would appear as an intrusive, urban form of development, which would result in the loss of the undeveloped and open site, which would harm the rural character of the area. Furthermore, due to the overall scale of the development, it would reduce the ability to enjoy the wide-ranging views of the open countryside, further harming the area's rural character.
25. I note the presence of the established access to the Business Park within the site, which represents an urban feature. However, in this respect, whilst it is a

clear feature, given its position and the open land that surrounds it, I do not find that its presence detracts from the open character of the appeal site.

26. I therefore find that the proposed development would harm the character and appearance of the area, and in this respect, would be contrary to policy DP01 and the Framework. These policies, amongst other things seek to ensure that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district.

Other Matters

27. I acknowledge the concerns raised by local residents in relation to highway and flooding issues, however I have no technical evidence to substantiate these and there is no evidence that highway safety would be compromised. Furthermore, I note that neither the Council's Highway Officer or the Lead Local Flood Authority objected to the proposals, and the Council did not conclude that they would amount to reasons to justify withholding planning permission. Therefore, I find that the development would not materially harm highway safety or result in an increase in flood risk either on or off the site.
28. Submissions have been made by local residents, with regards to the impact of the proposal upon their living conditions. During my site visit, I observed the relationship of the proposed development with the rear gardens of neighbouring residential properties. Whilst the layout plans are illustrative, I found they provided sufficient detail to demonstrate that a suitable layout could be delivered that would ensure the living conditions of neighbouring residents would not be so adversely affected to warrant the withholding of planning permission for these reasons alone.

Planning Balance

29. It is accepted by the parties that the Council is unable to demonstrate a 5 year supply of deliverable housing land. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. Paragraph 11 of the Framework states that where the most important policies are out of date, 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 whole, or where specific policies in The Framework, indicate that development should be restricted. In this respect, I have found that the proposed development would not conflict with policies in the Framework that protect areas or assets of particular importance as set out in footnote 7 of the Framework.
30. The site lies outside the settlement boundary of Holcombe and as a consequence, the scheme would not meet with the strategic approach for the location of new residential development. I have also found the appeal site, whilst being in a Secondary Village, to be in a location that would be likely to result in future residents needing to rely upon the use of private vehicles to access the majority of local services and facilities. As the Council are currently unable to demonstrate a sufficient supply of housing land, and given the level of the shortfall, the amount of weight to be attached to this conflict with the development plan is reduced, as such, I have attributed this harm moderate weight against the proposed development in the overall planning balance.

31. I have found that the proposed development would harm the character and appearance of the area and would conflict with the development plan in this regard. As these policies do not relate specifically to the supply of housing, I find that they should be attributed their full weight, and as such, I attribute this harm substantial weight against the scheme in the planning balance.
32. I have also been referred to recent developments that have taken place within Holcombe and that the allocations for the village have been completed. In this regard, I note that the Framework identifies that targets should not be regarded as maximum numbers. Considering this, along with the identified shortfall in the supply of housing, I have given this little weight against the scheme.
33. I note that the Council raise no other issues in relation to flooding, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
34. The proposed development would contribute up to nine dwellings towards the existing housing stock within the District. Whilst this would make only a modest contribution to the overall numbers, given the level of the shortfall below the requirement and considering the national importance placed on the delivery of new homes, I afford great positive weight to the delivery of new housing.
35. Of the nine proposed dwellings, the scheme proposes two units to be 'First Homes', which are dwellings that would be discounted from their market value and made available to those meeting relevant eligibility criteria. A signed Unilateral Undertaking was submitted during the course of the appeal to secure this.
36. The appeal scheme falls below the policy obligation threshold for the delivery of affordable homes, therefore in this respect, it is not necessary to make the development acceptable in planning terms and therefore fails the tests as set out in paragraph 58 of the Framework. That said, it is clear that there is a significant need for affordable housing within the District and that, given the housing supply position and the recent re-organisation of the Council, along with the timescale for the provision of a new Local Plan, it appears unlikely that the situation will be resolved in the near future. Therefore, whilst acknowledging that there is no policy requirement to provide affordable housing for the scheme, given the identified need for affordable housing and the contribution the proposed development would make, I have attributed this great positive weight.
37. There would also be short-term economic impacts from the construction phase and longer-term economic impacts from the reliance of new residents on local facilities. I attach moderate positive weight to these additional benefits.
38. The applicant has also identified that given the size of the development and its location away from any known constraints, including those affecting nitrogen neutrality, along with the business of the appellant, that the units could be delivered relatively quickly. Whilst I have no reason to disagree with this, there is no certainty that this would happen any quicker than other developments and have therefore attached this little positive weight.

39. Drawing all this together, I find that harm would result from the conflict with the locational policies of the development plan, and this weighs moderately against the proposal. I find that the proposed development would harm the character and appearance of the area, and conflict with development plan in this respect. Accordingly, this weighs significantly against the proposal. On the other hand, the proposal would contribute nine dwellings to the existing housing stock, of which two would be provided as first homes. I have attributed great weight to both these benefits in favour of the scheme. The economic benefits associated with the development are afforded moderate weight. Other benefits, including the overall delivery and the avoidance of sensitive locations are only afforded limited weight in favour of the scheme.
40. Consequently, when undertaking the tilted balance in accordance with paragraph 11d of the Framework, I find that the adverse impact of granting planning permission upon the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the material considerations do not indicate a decision other than in accordance with the development plan.

Conclusion

41. For the reasons set out above, the appeal is dismissed.

Adrian Hunter

INSPECTOR