
Appeal Decision

Site visit made on 12 February 2025

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/E3335/W/24/3351418

Manor Farm, Piltown, West Pennard, Glastonbury BA6 8NQ

- 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 Mrs Charis Selwood against the decision of Somerset Council.
 - The application Ref 2024/0679/OUT, dated 2 April 2024, was refused by notice dated 2 July 2024.
 - The development proposed is outline application with all matters reserved for the erection of 2no. dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. The planning application is submitted in outline with all detailed matters reserved for a subsequent approval. An indicative layout (drawing No. F1740/161/D) accompanied the outline planning application and I have taken this into account in so far as establishing whether or not it would be possible, in principle, to erect two detached dwellings on the site.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for housing with regards to the accessibility to services and facilities, and relevant development plan policies; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Suitability of location

5. The Mendip Local Plan (MDLP) principally directs development to five principal settlements, with development beyond this focused to meet rural needs at identified Primary and Secondary Villages. West Pennard 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.

6. 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.
7. The appeal site forms part of a small development of residential properties, which has been created through the redevelopment of a number of former agricultural buildings. Therefore, taking the accepted interpretation of the term, I do not consider that the appeal site lies within an isolated location. That said, the appeal site is separated by open fields and located some distance from the identified settlement boundary of West Pennard. Overall, despite the presence of nearby residential properties, given the clear separation and the distance, I find the appeal site to be poorly related to the settlement boundary and does not form part of an identified settlement.
8. West Pennard is approximately 700m away and is accessible via a level, continuous pavement, which runs along the northern side of the A361. At my site visit, I observed the A361 to be a reasonably busy road at this point. Moreover, the route is unlit for its entire length to West Pennard and would also require residents to cross the road to access the pavement. Therefore, whilst the village of West Pennard may be within a reasonable walking distance, I do not find it to be an especially attractive route, in particular for vulnerable users, especially after dark. In terms of cycling, the route is flat and relatively straight. However, given the nature of the route, I find this to be likely to be only a viable option for the most confident and competent of cyclists.
9. The appellant has highlighted further facilities and services at Glastonbury and Street. Looking at how that travel would be undertaken, there is a bus service from West Pennard which provides a 2-hourly service Monday to Saturday, with the bus stop located within the village.
10. I appreciate that in rural areas, the potential to provide for alternative means of transport is often limited. However, in this case, although future occupiers could at times walk or cycle to the surrounding services, I find that occupants of the proposal would still be likely to travel to other settlements by private vehicle for employment, schooling, and to meet their general day-to-day needs. In the absence of a frequent public transport service, an increase in travel by private car would be a likely inevitable consequence of the proposal. I therefore do not find the appeal site to be in the most sustainable location and, in this respect, to be contrary to Policies CP1, CP2, CP4 and DP9 of the MDLP and the Framework.

Character and appearance

11. The appeal site forms part of a larger complex of buildings, a number of which have been converted into residential use. It is located to the south of the existing buildings, on land which rises up above the rest of the former

farmyard. It is occupied by a number of agricultural storage buildings, all of which are currently in a dilapidated state. The existing development on the appeal site is rural in terms of its scale, design and appearance and is dispersed across the appeal site.

12. Access to the appeal site is via the existing site entrance. A public footpath runs north-south along the access, before passing to the east of the appeal site and then continuing in a southerly direction up the hill. At the time of my visit, further residential development was taking place immediately to the north, and the existing farmhouse was in the process of being renovated.
13. The surrounding area is predominately rural, with the land rising towards a ridge to the south of the appeal site. To the north the land is flat and comprises an open, rural landscape.
14. The appeal site does not lie within an isolated location and there is development around it, including the recently completed residential developments within the existing farm complex. However, I find the scale of these to be proportionate to the rural location of the appeal site and its surroundings. Moreover, I note that a number of these developments were undertaken using Permitted Development rights. In contrast to these, the proposed development would introduce new residential development and associated activity that would encroach into the open countryside. As such, it would represent an extension of urban development, which would have a harmful, urbanising effect upon the rural character and appearance of the area.
15. The appeal site is clearly rural in character and erecting two buildings on it would result in the loss of countryside and urbanise the site. The domestic paraphernalia that occupation would generate, along with the required access, parking and garden areas would add to this urbanising effect. That said, the established boundary planting means that the appeal site is relatively well screened from the surrounding area and public views into the site are limited and localised. However, due to the topography of the site, where the appeal site is visible, in particular from along the A361 and the public footpath, the proposed development would be clearly visible, both extending above and beyond the well contained nature of the existing development. As such, the proposed development would appear as an incongruous, urban form of development, harmful to the rural character of the area.
16. The existing buildings on the site are in an extremely poor state of repair and, as such, despite their agricultural appearance, cause some harm to the rural character of the landscape. In this respect, their renovation would provide some benefit to the character and appearance of the area. However, whilst their removal would be a benefit, I do not find this to be of such a degree as to outweigh the substantial harm I have identified from the encroachment of urban development into the countryside.
17. I acknowledge that the appearance and overall design of the proposed dwellings are provided on an illustrative basis. However, this does not alter my conclusion that the proposal would represent an encroachment of residential development into the countryside, harmful to the character and appearance of the area.
18. I therefore find that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to DP1 and DP4

of the MDLP and the Framework. These policies, amongst other things, seek to ensure that new development contributes positively to the maintenance and enhancement of local identity and distinctiveness across the district and that their siting and design are compatible with the landscape character area.

Planning balance

19. 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.
20. I have found the location of the proposal would have only limited access to services and facilities resulting in conflict with policies CP1, CP2, CP4 and to the development plan as a whole. For the purposes of this appeal, I have found these policies to be generally consistent with the relevant aims of the Framework.
21. However, whilst the conflict with the development plan amounts to harm, the Council is currently failing to deliver sufficient homes. Therefore, in the context of the appeal this reduces the weight to be afforded to this conflict. Furthermore, given the modest scale of the proposal and the proximity of some limited services, the harm from the likely increase in travel by private car is limited. Accordingly, I afford moderate weight to the identified harm.
22. 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.
23. 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.
24. The proposed development would contribute two 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, along with the national importance placed on the delivery of new homes, I afford great positive weight to the delivery of new housing.
25. The Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. There would also be modest economic advantages of construction of the proposal which would be short term and a further modest

benefit from its occupation and associated spending in the locality. The applicant has also identified that the proposal can secure improvements, in particular from the removal of the existing dilapidated buildings from the site, and other environmental improvements. I attach moderate positive weight to these additional benefits.

26. Pulling this together, I find that harm would result from 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 the development plan in this respect. Accordingly, this weighs substantially against the proposal. On the other hand, the proposal would contribute two dwellings to the existing housing stock. I have attributed great weight to this. The economic benefits associated with the development and the removal of the existing dilapidated buildings are afforded moderate weight.
27. 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

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

Adrian Hunter

INSPECTOR