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## Appeal Decision

Site visit made on 20 May 2014

**by Simon Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2014

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**Appeal Ref: APP/Q3305/A/14/2212628**

**Land to south of Longmead Close, Norton St Philip, BA2 7NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Malcolm Lippiatt (Homes) Ltd against Mendip District Council.
  - The application Ref 2013/1821 is dated 27 August 2013.
  - The development proposed is erection of 8 market dwellings, 24 sheltered retirement homes and a wardens dwelling together with ancillary buildings and the construction of an estate road.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of 8 market dwellings, 24 sheltered retirement homes and a wardens dwelling together with ancillary buildings and the construction of an estate road at Land to south of Longmead Close, Norton St Philip, BA2 7NS in accordance with the terms of the application, Ref 2013/1821, dated 27 August 2013, and the plan submitted with it, subject to the following conditions:
  - 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
  - 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
  - 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
  - 4) No development shall commence until parking spaces (in accordance with SCC parking strategy ) for each the dwellings + visitor spaces and any properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.
  - 5) Such parking and turning spaces shall be kept clear of obstruction at all times and shall be kept clear for the parking and turning of vehicles.

- 6) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall first be submitted to the Local Planning Authority.
- 7) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 8) Development shall not commence until an appropriate surface water drainage master plan has been submitted to and approved in writing by the Local Planning Authority, The master plan shall be in accordance with the Flood Risk Assessment By M Swinton dated August 2013 and shall include details of the phasing of surface water drainage infrastructure including source control measures. The drainage works shall be carried out in accordance with the approved details.
- 9) Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
- 10) No part of the development hereby permitted shall be occupied until full details for the improvements for existing Public Rights of Way from the application site to points B and C on the Location Plan (Drawing Number 560/PL/03) have been submitted and approved in accordance with an agreed design and specification in writing by the Local Planning Authority and have been fully implemented in accordance with the approved details.

### **Main Issues**

2. Impact on the rural character of the area and the setting of the village, and whether the proffered unilateral undertaking is adequate.

### **Reasons**

3. Norton St Phillip is not a large village, it has about 300 households but it is defined as a primary village which can be extended and the emerging local plan envisages up to 15% increase in houses. To this end it has been subject to a number of recent development proposals. One such was an extension to the newly built Longmead Close to provide for 8 new houses. This was an outline application allowed on appeal in January this year. The appeal before me is also in outline and includes the site of these 8 houses and extends further into the fields beyond Longmead Close to provide for the 24 sheltered homes and wardens dwelling.

4. Essentially the village is built around a crossroads, where the B3110 crosses the A366. The A366 Farleigh Road forms the north side and the B3110 High Street forms the west side of a quadrant of development. Longmead Close extends to the south of the A366 into the fields that run along the eastern edge of this quadrant as far as the junction with Tellisford Lane at its southern end. The 8 market houses would occupy part of a field used as a paddock and fenced off from a much larger meadow to the south. This meadow runs down to the Tellisford Lane junction and part of it would be occupied by the sheltered houses. Altogether about the half the open fields between Longmead Close and Tellisford Lane would be developed. The southern half of the meadow is in the same ownership.
5. In addition to the 8 houses mentioned above 55 new dwellings have been allowed at Fortescue Fields, close to the Tellisford Lane junction on the opposite side of the B3110 to the appeal site. There are also two extensions to that development under consideration by the Council, which would add another 69 dwellings and an application for 49 dwellings at Bell Hill garage to the west of the village centre. Although the Council's officers recommended this proposal should be allowed local people are convinced that Norton St Philip is now full, the 15% increase has been exceeded and they are strongly resisting further growth, a view clearly shared by Councillors who refused the application. This sets the background to the current appeal.
6. The Council accept they do not have a 5 year housing land supply and the local plan is at an early stage. Although Councillor Oliver is confident the District does have a comfortable 5 year land supply I cannot share this confidence. With the local plan at such an early stage I have no idea whether the 5 year supply figure the Councillor relies on will be in any way sufficient to meet the objectively assessed housing needs of the district. Consequently, the housing policies in the existing local plan should be considered out of date and this includes S1 which strictly controls development outside of the village boundary. As in the previous decision for the 8 market houses (Q3305/A/13/220224) the 4<sup>th</sup> bullet point of paragraph 14 of the Framework applies. This states that development should be granted planning permission unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*".

#### *Character of the area and setting of the village*

7. The meadow was attractively filled with wild flowers on the day of my site visit. It is crossed by four public footpaths and is clearly used by local people for dog walking and an informal footpath has been worn across the eastern side of the field. This is described as a permissive path by objectors but that status is disputed by the landowner. The land rises gently above the village and commands fine views towards the hills to the west. The development at Fortescue Fields can clearly be seen as can the backs and roofs of houses forming the eastern/southern edge to the village. However, it is not clear the field can be seen from within the village and so its development is unlikely to have any great impact on the setting of the village itself.
8. This is clearly an attractive group of fields criss-crossed by public rights of way (PROWs). On the one hand, they are outside the built up area of the village, but on the other they also fill the gap between Longmead Close and Tellisford

Lane. The development of the northern half could be seen as a natural extension to Longmead Close, especially its eastern boundary, formed by a thick hedge of hawthorn and various other trees forms a clearly defined edge with arable fields beyond.

9. The land is not protected by any designations. I note that policy Q2 of the now out of date local plan protected certain areas of significance, of which there were several in the village, but not the appeal site. It falls within the "Orchardleigh/Buckland/Norton St Philip Ridges" category of the district Landscape Assessment, but this is a description rather than a form of protection.
10. The development of the site would clearly change the nature of the landscape from open fields to houses, push back the edge of the village and extend the build environment into the countryside. This would cause some harm, but as described above this would not be significant.

#### *Unilateral undertaking*

11. The unilateral undertaking provided by the appellant has been revised at the last minute to conform to the Council's requirements. It provides for payments for public open spaces, to upgrade the entire length of the footpath from the site to Town Barton and to ensure the sheltered and wardens dwellings are retained for their proposed purposes and for a monitoring payment. All the proposed payments seem reasonable and necessary to me.

#### **Other issues**

12. A considerable weight of local opinion was against this appeal and they raised a number of issues. Firstly a traffic report was commissioned which showed there would be a 5-6% increase in traffic through the village, if the three current applications mentioned in paragraph 5 above, this appeal proposal and four sites outside the village were all to come to fruition. While this may well be so, the traffic likely to be generated by the additional dwellings before me, that is just the 24 sheltered homes and the wardens dwelling, is unlikely to have any significant impact. It cannot be counted against this appeal that other, larger, applications might be granted planning permission.
13. There also disquiet about access through the village for the proposed residents. The upgrading of the path to Town Barton provides access to the top of the village, but to get to anywhere useful, pedestrians have to then walk down Farleigh Road, which is narrow with a virtual footpath, which I saw ran through a pinch point on a sharp bend and was not an enticing prospect for pedestrians. However, the appellant has also offered to open up an access onto a paved way at the southern end of the site by Ranmore Cottage opposite Fortescue Fields. This would provide direct access to the shop and via recently constructed pavements to the pubs in the centre of the village.
14. A recent appeal decision at Orchard Lee in Wells was also brought to my attention (Q3305/A/13/2209454), where a similar parcel of land was being sought for housing development. With no 5 year housing land supply the same test as outlined above was followed. But in this case the site was part of a Special Landscape Feature (SLF) which had a strategic role as a buffer between the town and the Mendips AONB. Within the SLF the appeal site was in a strategically and visually important location. The significant harm the proposed

development would do to the SLF outweighed the benefits of the scheme. That is quite different to the situation in Norton St Philip.

15. Finally the site is subject of an application for Village Green Status (VGS). This is at a very early stage and, like the PROWs is a matter covered by other legislation. It would not be right to hold up this appeal while that application was being processed. Should VGS be granted that would be a separate matter for the Council and the appellants to consider.

### **Conclusions**

16. The site is in a sustainable location, with good links to the facilities in the village and would not cause a problem of traffic generation. It would also make a small contribution to remedying the lack of a 5 year housing land supply. It would intrude into the countryside and so cause some harm, but this does not amount to harm that significantly and demonstrably outweighs the benefits.

### **Conditions**

17. As the application is in outline, reserved matters conditions are required as are conditions for parking spaces, internal roads and paths, sewers, drains and surface water, lighting, street furniture and gradients. Details of the construction compound are required and a condition to ensure the footpaths between the development and points B & C (Town Barton and Ranmore Cottage) are provided is also needed.

*Simon Hand*

Inspector