

Appeal Decision

Site visit made on 27 October 2016

by B Bowker Mplan MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/P0119/W/16/3154148

82 Gloucester Road, Rudgeway, South Gloucestershire BS35 3RS

- 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 John Arnold against the decision of South Gloucestershire Council.
 - The application Ref PT16/1157/0, dated 9 March 2016, was refused by notice dated 3 May 2016.
 - The development proposed is an outline application with all matters reserved except access and siting for 2 no. detached dwelling houses with associated parking, hard/soft landscaping, and drainage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The appeal is for outline planning permission with all matters reserved apart from access and layout. The appeal has been determined on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and,
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal site is located in the Bristol/Bath Green Belt and comprises a level vegetated parcel of land with a narrow frontage used for car sales and storage. The appellant considers the proposal is infill development on previously developed land and therefore is not inappropriate development by virtue of the National Planning Policy Framework (the Framework), paragraph 89, bullet point 6.
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5. Based on my site visit observations and the certificate of lawfulness site plan, the proposed dwellings would not be sited in the area used for car sales and storage and sales purposes. However, I observed that the appeal site as demarked by the red line in the submitted plan is part of No 82 Gloucester Road's garden area. In this context, as the appeal site is located outside the settlement boundary of Rudgeway, I consider the proposal involves the development of previously developed land.
6. The exception outlined in paragraph 89, bullet point 6 of the Framework is subject to the development not having a greater impact on the Green Belt's openness than the site currently has. Consequently, the proposal's effect on the Green Belt openness and purposes, will determine whether or not the development is inappropriate.
7. The car storage and sales area contains a number of domestic sized vehicles and a small single storey building set behind large trees and a wooden panel fence. I also note that the car storage and sales area has the potential for increased use. However, in comparison, the proposed dwellings would be greater in height, bulk and scale than the lower profile and smaller size of the car storage and sales area. Moreover, the proposal would have a greater impact on openness than No 82's relatively level grass lawn garden area.
8. I note that the dwellings would be set behind No 82's frontage and that the removal of permitted development rights could prevent a further loss of Green Belt openness. In addition, the Council raise no concern regarding the proposal's effect on the wider street scene and consider satisfactory design details could be secured at the reserved matters stage. However, these factors including the replacement of the car storage and sales area with landscaping would not prevent the site having a greater impact on the openness of the Green Belt.
9. Whilst the Framework does not define the term 'limited infilling', as noted in the appeal decision¹ referred to by the appellant, this term can be considered by its ordinary meaning. The appeal site is surrounded by No 82 and buildings on the opposite side of Gloucester Road to the immediate north east of the site. However, No 80 is roughly 140 metres south of the site. As a result, a sizeable undeveloped area would be directly to the side of the dwellings. In such circumstances, the proposal cannot be considered as infill development.
10. Therefore, taking the above into account, the proposal would result in an erosion of Green Belt openness and would have a harmful impact on its purpose of safeguarding the countryside from encroachment. Consequently, the proposal would comprise inappropriate development in the Green Belt.
11. Policy CS34 (4) of the South Gloucestershire Local Plan: Core Strategy aims to protect Green Belt from inappropriate development. Whilst the absence of a 5 year housing land supply may render some other elements of the policy out of date, the protection of Green Belt is in accordance with the aims of the Framework and carries full weight. The scheme would conflict with Policy CS34 (4) and would also conflict with the Council's SPD "Development in the Green Belt" which aims to protect the Green Belt from inappropriate development.

¹ APP/H1515/W/14/3000801, Land between Woodside and Heathlands.

Whether there are very special circumstances

12. A number of benefits are put forward in support of the proposal including its contribution to housing supply, its sustainable location and improvement for the outlook of occupants at No 82. However, as the proposal comprises two dwellings, the scale of these benefits would be minor and therefore only attract limited weight in favour of the appeal.
13. I have also considered the proposal's contribution to housing supply in the context of the Council being unable to demonstrate a five year housing supply and the consequence that development plan policies relevant to housing supply cannot currently be considered up to date. However, paragraph 14 footnote 9 of the Framework states that development restrictions relating to the Green Belt still remain in effect.
14. Whilst I do not have full details of the appeal decisions referred to by the appellant, unlike the proposal before me, I note that both appeals were considered to represent infill development. I also note that the site has been submitted for consideration as part of the emerging Joint Spatial Plan. However, the Council outline that they are currently considering consultation responses and that an additional public consultation will be undertaken. This limits the weight I can afford this matter.
15. Therefore, I conclude that the proposal's the harm by reason of inappropriateness is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Conclusion

16. The proposal would be inappropriate development in the Green Belt, contrary to Local Plan Policy CS34(4), owing to its adverse effects on openness and on the purposes of safeguarding the countryside from encroachment. The benefits of the scheme would be very limited and very special circumstances do not exist that would overcome the presumption against inappropriate development. For all the above reasons, the appeal is dismissed.

B Bowker

INSPECTOR