

Appeal Decision

Site visit made on 21 November 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/F0114/W/16/3158935

The Cottage, Pipehouse Lane, Freshford, Bath BA2 7UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Charles and Valerie Bush against the decision of Bath and North East Somerset Council.
 - The application Ref 16/01219/FUL, dated 14 March 2016, was refused by notice dated 30 June 2016.
 - The development proposed is described as 'proposed erection of dwelling house within the garden of The Cottage, Pipehouse Lane, Bath BA2 7UH'.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework); and
 - the effect of the proposal on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty (AONB).
 - If the proposal would be inappropriate development, 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 it.

Reasons

3. The appeal site is the substantial side garden of the residential dwelling known as The Cottage, a semi-detached property in the Green Belt. The appeal property lies at the very edge of Freshford, with its side garden contributing to a substantial visual and physical gap between the nucleated ribbon development that characterises Pipehouse Lane and the commercial buildings that are located close to the junction with the A36 Warminster Road. The site has a number of small outbuildings and a filled in swimming pool.

Whether inappropriate development?

4. Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, they involve buildings for agriculture and forestry, limited infilling or the partial or complete
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redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5. Policy CP8 of the Bath and North East Somerset Core Strategy seeks to restrict development in the Green Belt unless it is for one or more of the purposes set out in the Framework. Saved Policies GB.2 and HG.6 of the Bath and North East Somerset Local Plan seek to restrict development to within defined development boundaries and ensure that development would not be 'visually detrimental to the Green Belt'.
6. The appeal site is located at the very edge of the village, outside the village development boundary, rather than within it. Furthermore the land that adjoins and surrounds the appeal site to the north of Pipehouse Lane is predominantly open and undeveloped; consequently, the proposed dwelling would not amount to limited infill in the context of the village. Moreover, the proposed new dwelling would by way of its bulk and mass have the effect of materially reducing the openness of the Green Belt.
7. Furthermore, whilst I accept the appellants' desire to provide an affordable home for members of their family, there is no substantive evidence before me that demonstrates that they are rural workers requiring essential accommodation.
8. Having reached the conclusions above, the proposed new dwelling would therefore be inappropriate development which is, by definition, harmful to the Green Belt. In reaching this conclusion I have taken account of the housing policy of the Freshford and Limpley Stoke Neighbourhood Plan.

Character and appearance

9. The proposed vehicular access and provision of visibility splays would require the removal of a section of mature hedgerow. The hedgerow is a component part of the rural and verdant approach to the village from the A36 Warminster Road and therefore makes a positive contribution to the appearance of the village. Therefore, the removal of a significant length of the hedgerow would erode the rural character of the land and result in material harm to the character and appearance of the Cotswolds Area of Outstanding Natural Beauty
10. Having come to the conclusions above, it follows that the proposal would therefore be in conflict with Saved Policy NE.2 of the Bath and North East Somerset Local Plan. This seeks amongst other things to ensure that development would not adversely affect the natural beauty of the landscape of the designated Area of Outstanding Natural Beauty.

Other considerations

11. The appellants in support of their proposal refer to other new build development in the area including Pipehouse Nursery, The Mill, The Village Shop and Greenacre (15/03581/ful) and cite these as setting a precedent for this proposal. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.

12. The appellants refer to the Council's decision making process including the committee site visit and public speaking arrangements when determining the application. However, this is a matter of local government accountability and even if all the members of the planning committee had carried out a site visit, I have no evidence before me to suggest that the decision would have been different.
13. The representations and support of third parties have been carefully considered within the context of the appeal. It is clear that the appellants and their family are held in high regard and play an active part in both the local and wider community. However, I consider that this contribution to the local community does not outweigh the harm identified.

Conclusions

14. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be unacceptable harm to the character and appearance of the Cotswolds Area of Outstanding Natural Beauty, a matter which also weighs against the appeal being allowed.
15. None of the aforementioned considerations, or any of the other many matters mentioned by the appellants in support of their appeal, either individually or collectively, clearly outweighs the harm caused by reason of inappropriateness. Very special circumstances do not therefore exist in this case and the appeal must be dismissed.

Jameson Bridgwater

INSPECTOR