
Appeal Decision

Site visit made on 31 October 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/P0119/W/16/3155894

Upper Hay, Churchend Lane, Charfield, South Gloucestershire GL12 8LJ

- 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 Robert and Mrs Yvette Andrewartha against the decision of South Gloucestershire Council.
 - The application Ref PT16/1182/F, dated 4 March 2016, was refused by notice dated 21 July 2016.
 - The development proposed is one single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the countryside;
 - ii) whether occupiers of the proposed dwelling would have satisfactory access to services and facilities;
 - iii) the effect of the proposal on highway safety, and
 - iv) whether any adverse impacts clearly and demonstrably outweigh the benefits of the proposal.

Reasons

3. The appeal site comprises part of an open field to the south of a detached bungalow at Upper Hay, one of a number of sporadic dwellings along this part of Churchend Lane. The site lies outside of the development boundary of Charfield which lies about 400m to the east, separated by open fields. South Gloucestershire Core Strategy (CS) Policy CS5 provides that in rural areas communities will be empowered to shape the future of their own local area through opportunities presented by Neighbourhood Planning. Whilst a Neighbourhood Plan is under preparation it has some way to go before adoption, and thus it carries little weight. Policy CS5 goes on to say that whilst small scale development may be permitted within defined settlement boundaries, in the open countryside development will be strictly controlled.
 4. Policy H3 of the South Gloucestershire Local Plan (LP) sets out the circumstances in which new dwellings will be permitted, none of which applies
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here. The Council accepts that it is unable to demonstrate a 5 year supply of housing land, in which case policies relating to the supply of housing are to be treated as out of date, and thus the strict controls on housing outside of settlement boundaries are not to be applied with the same rigour as would normally be the case.

5. Even so, the explanatory text to Policy H3 sets out the reasons for it, one of which is to protect the countryside for its own sake, consistent with the National Planning Policy Framework (the Framework) which recognises the intrinsic character and beauty of the countryside as one of its core planning principles.
6. The proposal would consolidate a scattered group of dwellings, and would detract from the undeveloped rural qualities of the locality. The low-profile of the dwelling would help to minimise its impact, as would landscaping, but this would not wholly mitigate the harmful effect on the rural character of this part of the countryside. Having said that, the extent of harm would be small.
7. Whilst there have been recent residential developments nearby which relate to the conversion of agricultural buildings, the planning circumstances are not the same as those relating to a new residential building, and I attach little weight to them.
8. Turning to the design, the proposal would provide a T-shaped shallow roofed bungalow, incorporating energy-efficient measures. The energy-efficient design is commendable, and the use of materials aims to help integrate the building into the rural landscape. Whilst there is no one distinctive building style along Churchend Lane, there is nevertheless a traditional rural building styles in the wider area, characterised by two-storey houses, with steep pitched roofs, finished in stone or render. The proposal would contrast markedly with this style. It is true that policies should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it is appropriate to require designs to respect their context, and respond to local character.
9. The proposed dwelling would be a large building, with only the conservatory and overhanging terrace to provide relief to an otherwise bland form, albeit that the green roof would help to minimise its visual impact. Even so, located in an open field, I consider that it would appear as an alien feature in the countryside, and to my mind it would not provide an outstanding and innovative design that would help raise the standard of design more generally in the area.
10. There is a shallow pitched roof bungalow lying to the south of the appeal site, but to my mind, this is not a good example to follow. I therefore find that the proposal fails to provide the high quality design that both local and national policies require, and would harm the character and appearance of the area.
11. I conclude on the first main issue that the proposal would result in clear harm to the character and appearance of the countryside and would conflict with the policies I have referred to above as well as CS Policy CS1 which deals with design quality. It would also conflict with LP Policy L1 which aims to protect landscape character.

Accessibility to services and facilities

12. One of the objectives of restricting new housing in the countryside set out in Policy H3 is not to encourage the use of private cars. Charfield has a limited number of facilities, and in order to reach employment, entertainment, health facilities and all but the most basic of shopping needs, it will be necessary for occupiers to travel to nearby towns. Whilst there are bus stops within a reasonable walking distance of the site, to reach them would require walking along Churchend Lane, which is narrow, unlit and lacks a footway. The Council has confirmed that there are no definite plans to open a railway station in Charfield.
13. There is also a shop/Post Office, pub and recreation ground in Charfield, although some planned facilities are yet to be built. Even so, these facilities are some distance away, and would require occupiers to walk along either Churchend Lane or the public footpath which joins Churchend Lane near to the appeal site. I consider that the combination of the distances involved and the poor walking conditions, particularly in bad weather or in the dark, would deter most people from walking or cycling to these destinations as a matter of course.
14. The appellant has referred me to a much larger developments approved at Charfield Green and at Woodlands Road, where occupiers would also have to travel some distance to what limited facilities that exist. However, the Council has pointed out that the approved developments are within or connected to Charfield by lit footpaths. I do not know all of the planning circumstance that led to their approval, but this single factor distinguishes those cases from this. I therefore find that occupiers would be likely to have a heavy dependence on travel by car, contrary to the objectives of CS Policies CS1 and CS8, the latter policy dealing with accessibility and says that priority will be given to providing the users of new development with a range of travel options other than the private car.

Highway safety

15. The Council acknowledges that the use of Churchend Lane is already relatively high, and I noted numerous vehicular movements on my visit, many of them undertaken by light vans. In my view, the additional number of movements associated with one additional dwelling would be unlikely to materially affect road safety.
16. LP Policy T12 requires development to provide adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities. I have referred to the nature of Churchend Road above, and I walked along its length from the junction of Wooton Road as far as Church Farm, some way to the south of the appeal site. As I have indicated above, the narrowness of the road, and the lack of a footway and lighting is likely to discourage its use by pedestrians. There is the alternative option of using the public footpath to get to Charfield which would obviate the need to use Churchend Lane.
17. However, for those occupiers who chose, or who have no other choice, to walk along Churchend Road, the lack of a lit footpath would not make it a safe, attractive or convenient walk.

18. I therefore find on this issue that the proposal would result in harm to highway safety, albeit that the degree of harm would be modest and thus there would be a limited conflict with LP Policy T12.

Other matters

19. I have had regard to the appellants' criticism of the Council's handling of the application, but these concerns do not affect my decision. I have also taken into account the support offered by a local councillor and a neighbour, but this is insufficient to alter my conclusions.

Balancing exercise and conclusion

20. In circumstances where policies for the supply of housing are to be treated as being out of date, paragraph 14 of the Framework provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole. In determining whether the proposal would be a sustainable form of development there are three dimensions to consider.
21. The social dimension would be fulfilled by the provision of an additional dwelling, of a design which would suit the needs of a variety of potential occupiers. However, a single dwelling would make only a very minor contribution to the 5 year housing land supply, and this limits the value of the development. There would be economic benefits arising from the construction and occupation of the dwelling and I attach modest weight to these. Set against these is the harm that would be caused to the character and appearance of the area and from the reliance of occupiers on travel by car, and the limited harm to highway safety.
22. As a result the environmental role of sustainable development would not be fulfilled. These adverse impacts together would significantly and demonstrably outweigh the benefits identified. The conflict with the development plan as a whole is not outweighed by other considerations including those of the Framework.
23. For the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR