
Appeal Decision

Site visit made on 13 December 2016

by B Bowker Mplan MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/F0114/W/16/3158526

Parcel 6700, Avon Lane, Saltford, Bath and North East Somerset BS31 3ES

- 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 Peter Hall against the decision of Bath & North East Somerset Council.
 - The application Ref 15/05808/FUL, dated 23 December 2015, was refused by notice dated 7 April 2016.
 - The development proposed is to build a new 'carbon zero' dwelling on land at Mead Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt and the purposes for including land within it; 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

Whether inappropriate development

3. The appeal site comprises an open grassed area which slopes up and away from Mead Lane towards a cliff face at the rear of the site. It is common ground between the parties that the site is located within a Green Belt and not within a housing development boundary. Core Strategy (CS) Policy CP8 is relevant to development proposed in the Green Belt and seeks to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy.
 4. Saved Local Plan (LP) Policy HG.10 also applies and seeks to strictly control development outside settlements in order to protect the countryside and Green
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Belt from inappropriate development. As these objectives are reflected in the Framework, LP Policy HG.10 can be afforded full weight. As the dwelling does not relate to an agricultural or forestry enterprise, it would be contrary to LP Policy HG.10.

5. Paragraph 89 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. One exception relates to new buildings within the Green Belt not being inappropriate if they represent limited infilling in villages. The appellant contends that this exception applies to the proposal.
6. To the north east of the site, large detached dwellings are sited close together and follow Mead Lane in a linear pattern. To the south west, a garden area and driveway serving the detached dwelling Spion Kop with associated buildings abuts the site giving the overall appearance of a slopping paddock frontage. Further south west is the settlement of Saltford. Opposite the site is the River Avon whilst to the rear is open countryside.
7. The proposed front elevation would be in line with those at dwellings along Mead Lane. In addition, the submitted historical evidence suggests that a number of agricultural buildings and a boating house were located at the site. However, the open appeal site, with its relatively wide frontage, represents a definite visual break from the dwellings to the north east. The site marks the point where the character of the lane changes to countryside; particularly as the detached dwelling Spion Kop is set back and away from the appeal site. As the smaller outbuilding adjacent to the lane is roughly in line with Spion Kop it is also set away from the site. Dwellings beyond Spion Kop are interspersed compared to those along Mead Lane whilst the Bristol and Bath Railway Cycle Path visually separates the site from Saltford. For these reasons, I would not describe the appeal site as being located within a settlement.
8. Accordingly the proposal would comprise inappropriate development in the Green Belt as it would not represent limited infilling in a village.

Openness and Green Belt purposes

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The proposed two storey dwelling would result in built development where there is presently none. The building's height combined with the footprint, mass and gabled roof design would unavoidably result in a reduction of Green Belt openness. This in itself is a harmful impact on Green Belt openness.
10. The site occupies a prominent location owing to its topography, visual separation from surrounding buildings and its visibility from immediately surrounding public vantage points. Despite the use of glazing and the external constriction materials and siting chosen, the dwelling would be a noticeable building. In addition, I share the Council's concern regarding the high solid to void ratio and four gables design of the upper floors. These factors would make the resultant loss of Green Belt openness particularly noticeable.
11. Therefore, based on my reasoning above, the proposal's impact on Green Belt openness would be significant.

Other considerations

12. Paragraph 55 of the Framework states that isolated new homes in the countryside should be avoided unless there are special circumstances, which can include the exceptional quality or innovative design of a new dwelling. Paragraph 63 of the Framework also requires that great weight should be given to outstanding or innovative designs that raise the standard of design more generally in the area. The appellant considers that the proposal's exceptional quality and innovative design represent the very special circumstances necessary to justify the development.
13. For a dwelling to be of exceptional quality or innovative design, paragraph 55 bullet point 4 of the Framework states that a proposal should: be truly outstanding or innovative helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
14. The proposal would be an exemplary carbon neutral dwelling that would go above and beyond passivhaus requirements and meet Code for Sustainable Homes level 6. Key design features include a ground source heat pump, solar heating, an innovative response to the immediate environment and low flow water fitting. Whilst the approach is commendable, I agree with the Council that what is proposed can no longer be considered an innovative approach to housing design. Further, despite the combined use of various technologies in a site specific design, I cannot see how the proposal would evolve passive methods, or raise the standards of design more generally in rural areas.
15. Nor would the proposal be distinguishable from other contemporary dwellings, be an aesthetically innovative design or significantly enhance its immediate setting. Whilst the Council consider the design to be in keeping with the appearance of nearby dwellings, this in itself is not enough to qualify the proposal as truly outstanding or innovative in design. Therefore, the proposal would not be truly outstanding or innovative in design and would be contrary to the requirements the Framework paragraph 55.
16. Nonetheless, despite necessitating a degree of site excavation, I afford some weight to the proposal's environmental credentials which includes biodiversity enhancement measures. In addition, the site has good non-private vehicular access to services and facilities available in the wider area. I also note letters of support from local residents, a Councillor and the Parish Council. The proposal would also make modest a contribution to housing supply and generate construction work. However the absence of harm relating to other material considerations such as highway safety and flooding can only be considered as neutral factors. Nonetheless, combined, the benefits referred to above carry moderate weight in favour of the appeal.

Conclusion

17. The proposal would be inappropriate development, which by definition is harmful to the Green Belt. In addition, there are adverse impacts on openness; the Green Belt purpose of safeguarding the countryside from encroachment. The Framework is clear that substantial weight should be given to Green Belt harm and that very special circumstances will not exist unless this harm and any other harm are clearly outweighed by other considerations.

18. Combined, the proposal's associated moderate benefits would not clearly outweigh the totality of Green Belt harm identified which is the test that they have to meet. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and CS Policy CP8 which is the local policy of most relevance to this matter.
19. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR