
Appeal Decision

Site visit made on 31 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/F0114/D/16/3164944

Southlands, Gibbet Lane, Norton Malreward, Bristol BS14 0BX

- 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 Nino Romeo against the decision of Bath & North East Somerset Council.
 - The application Ref 16/04820/FUL, dated 30 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is change of use from pool room to annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - Whether the proposal would amount to inappropriate development in the Green Belt.
 - The effect of the proposal on the openness and purposes of the Green Belt.
 - The effect of the proposal on the living conditions of future occupiers of the proposed accommodation and on occupiers of the existing house, having regard to amenity space, privacy and noise and disturbance.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal property comprises a detached four bedroom house stood in grounds. A detached building covering a swimming pool stands immediately at the rear of the house. The only other substantial building at the property is a detached double garage at the front of the house. The proposal would convert the covered pool into a residential annexe providing three bedrooms, an ensuite bathroom, a living area and a utility room.
 4. The property forms part of a small grouping of dwellings on either side of Gibbet Lane and is situated in open countryside forming part of the Bristol and
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Bath Green Belt. The appeal site and surrounding land is reasonably remote from the boundary of any recognised settlement in the adopted Bath and North East Somerset Local Plan (LP). Policy CP8 of the adopted Bath and North East Somerset Core Strategy (CS) seeks to protect the openness of the Green Belt from inappropriate development in accordance with national policy. That policy is set out in the National Planning Policy Framework (the Framework).

5. At paragraph 90, the Framework advises that certain forms of development including the re-use of buildings which are of permanent and substantial construction will not be inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 90 does not make any reference to the building to be re-used having to be redundant or not in an ancillary residential use.
6. There is no evidence to suggest that the building to be converted is not of permanent and substantial construction. Therefore, whether the proposal would amount to inappropriate development is dependent on whether it affects Green Belt openness or its purposes.

Effect on Green Belt openness and purposes

7. Paragraph 79 of the Framework advises that openness is an essential characteristic of Green Belts. The proposal does not involve any enlargement of or substantial alteration to the pool building or other building operations. No enlargement of the existing garden area is proposed. As a result, the proposal would preserve and not harm the openness of the Green Belt.
8. Turning to the effect on Green Belt purposes, I understand that the proposal would provide additional accommodation for the appellant's teenage children. It would appear that future occupiers of the accommodation would share the kitchen in the existing house. They would also share the garden, vehicular access and parking area with the occupiers of the existing house.
9. Even so, the accommodation would otherwise have facilities which make it capable of occupation as a separate dwelling. It is of a substantial size which, in terms of the number of bedrooms provided, is not dissimilar to that of the existing house. The pool building stands a few metres away from the existing house and the accommodation would have a separate external entrance. Consequently, it would be physically separate from the existing house. The future occupiers of the accommodation could therefore potentially lead lives substantially independent from the occupiers of the existing house. These factors all lead towards a conclusion that in planning terms, the accommodation could not reasonably be described as being 'ancillary' to the existing house and it would therefore effectively amount to a new dwelling separate and unrelated to the existing house. I acknowledge that in the appellant's view, this would not be the case. However, my conclusions are reached on the basis of the planning consequences.
10. I also acknowledge that the appellant would accept a planning condition restricting the use of the accommodation as a separate dwelling. However, in this case such a condition would fail the test of reasonableness at paragraph 206 of the Framework, as it would not make the accommodation acceptable in planning terms having regard to its size, the range of facilities provided and its severability from the existing house.

11. The proposal would therefore result in what to all intents and purposes would be a new dwelling, separate and unrelated to the existing house. This would consolidate the existing straggle of houses along the lane and would contribute to the urbanisation of the countryside. Whilst at a small scale, this would nevertheless conflict with two of the Green Belt purposes listed at paragraph 80 of the Framework, namely checking unrestricted urban sprawl and assisting in safeguarding the countryside from encroachment.
12. Consequently, the proposal would be inappropriate development in the Green Belt. This would not accord with CS Policy CP8. It would also not accord with saved LP Policy HG.10, which restricts new dwellings in the countryside unless they are essential for agricultural or forestry workers; no such need has been argued in this case. At paragraph 87, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be afforded to the harm to the Green Belt.

Living conditions

13. Future occupiers of the proposed accommodation would share the garden of the existing house. Consequently, they would not have any separate private amenity space in which to undertake domestic activities such as drying washing or for informal relaxation. The adjacent large field and the presence of nearby public footpaths would not adequately offset the absence of a separate amenity space for the future occupiers.
14. Future occupiers of the accommodation would also share the access, drive and parking area at the front of the property with occupiers of the existing house. The appellant considers that this area is capable of parking up to eight cars, although my own observations were that it was somewhat smaller than that suggested. No plan has been submitted showing the proposed parking arrangements.
15. Due to the situation of the parking area, future occupiers of the accommodation would have to park their cars in proximity to the existing house. To access the accommodation, they would have to walk alongside the existing house close to some of its ground floor windows. Therefore, they would experience a sense of being overlooked at close quarters from the existing house when leaving or returning to their vehicles. The occupiers of the house would also experience a sense of being overlooked at close quarters from the future occupiers using the parking area. This would result in a limited sense of mutual privacy between the occupiers of the respective buildings. The occupiers of the house are also likely to experience increased levels of noise and disturbance from the comings and goings to and from the accommodation and the parking area.
16. The arrangements in terms of private amenity space and parking would provide a poor standard of living accommodation for the future occupiers of what would, for reasons already explained above, amount to a separate dwelling and would cause unacceptable harm to the living conditions currently enjoyed by the occupiers of the existing house. Consequently, the proposal would not accord with saved LP Policy D.2, as there would be significant harm to the amenities of the existing and proposed occupiers by reason of increased overlooking and noise and disturbance.

17. The proposal would also not accord with saved LP Policy T.24, as it would not avoid increasing parking to the detriment of residential amenity. Further, it would fail to accord with LP Policy TP.26, as it has not been demonstrated that an appropriate level of on-site servicing and parking has been provided, having regard to its environmental capacity. The proposal would also therefore be inconsistent with the Framework, a core principle of which at paragraph 17 is the seeking of a good standard of amenity for all existing and future occupants of buildings.

Other considerations

18. No other submissions have been made in support of the proposal. Therefore, there would be no other considerations that would clearly outweigh the harm to the Green Belt identified above. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

19. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework and for the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR