
Appeal Decision

Site visit made on 4 January 2017

by David Walker MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/D0121/W/16/3158802
13 Ashford Road, Redhill BS40 5TH

- 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 and Mrs Downton against the decision of North Somerset Council.
 - The application Ref 16/P/1217/F, dated 29 April 2016, was refused by notice dated 7 September 2016.
 - The development proposed is extension and alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Downton against North Somerset Council. This application is the subject of a separate Decision.

Main Issue

3. The appeal property lies within the North Somerset Green Belt. Both parties are in agreement that the proposal would not increase the size of the dwelling beyond the 50% limited established by Policy DM12 of the North Somerset Development Management Policies: Sites and Policies Plan Part 1 2016 (the DMP). On this basis the proposed extensions and alterations would not result in disproportionate additions over and above the size of the original building. The proposal would not therefore amount to inappropriate development in the Green Belt as described at paragraphs 87 and 89 of the National Planning Policy Framework (the Framework).
4. I therefore consider the main issue to be whether the proposal would result in a dwelling of an appropriate size for a rural worker's dwelling.

Reasons

5. The appeal property is located at the end of a short street of houses within an open countryside setting. It was originally provided as an agricultural workers dwelling and restrictions on occupancy remain imposed by a condition attached to the original permission, a fact acknowledged by the parties.
 6. As the occupancy restriction is not being challenged it is necessary to consider whether the resultant dwelling would continue to meet the need for which it was originally provided. At a size of 233.5 sqm the extended and altered dwelling would greatly exceed the limit of 150 sqm for rural workers dwellings
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set down at Policy DM46 of the DMP. It is a size that the Council considers necessary to meet normal family requirements and accommodate minor ancillary office facilities. While Policy DM46 relates to the erection of rural workers dwellings it would make no sense for the original purpose of the policy to simply be overridden by later additions. Having regard also to paragraph 55 of the Framework the 'essential' need for the accommodation remains the appropriate test.

7. While I have little detail before me of the appellants' family circumstances I am mindful that in cases involving a large family some flexibility may be required. However, the resultant dwelling would have a considerable amount of accommodation, including extensive office and utility spaces. In the absence of any evidence of the accommodation being required to meet the essential needs of a land-based rural business I am not satisfied that the proposal is justified. It would result in an excessively large dwelling when measured against the purposes for which it was originally and exceptionally provided.
8. I acknowledge there are no restrictions on the exercise of national permitted development rights in the original permission, leading to the possibility of an alternative development that would not require permission. I also have no reasons to doubt that the proposal would comply with the design requirements of Policies DM32 and DM38 of the DMP. These are insufficient however to outweigh the special circumstances required for rural workers' dwellings set out within the development plan and Framework.
9. I conclude therefore that the proposal would not result in a dwelling of an appropriate size for a rural worker's dwelling. As a result it would conflict with Policy DM46 of the DMP.

Conclusion

10. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR