
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: 17 February 2017

Appeal Ref: APP/D0121/W/16/3157688

The Bungalow Inn, New Road, Kingdown, North Somerset BS40 8DP

- 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 Greg Wedlake against the decision of North Somerset Council.
 - The application Ref 16/P/0859/F, dated 18 March 2016, was refused by notice dated 12 August 2016.
 - The development proposed is demolition of existing public house and replacement with hotel.
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Decision

1. The appeal is dismissed

Application for costs

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

Preliminary Matters

3. In the context of local and national planning policy, comments were sought from the parties regarding the proposed use and existing use of the site. Accordingly, these comments have been taken into account in my determination of the appeal.
4. Concerns have been raised relating to an unauthorised use of the car park at the site in connection with Bristol Airport. However, this does not form part of the appeal proposal before me and I understand that this is a separate matter between the Council and appellant. Consequently this is not a matter for me to consider in my determination of the appeal.

Main Issues

5. 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 of the proposal on the openness of the Green Belt and the purposes for including land within it;
 - The effect of the proposal on highway safety; and
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- 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

6. The appeal site is located within the Green Belt and for planning purposes occupies a countryside location. The Framework establishes that new buildings within the Green Belt are inappropriate, unless, amongst other things, it involves the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces. Policy DM12 of the Sites and Policies Plan (SPP) reflects this stance and outlines that a replacement building would not be regarded as inappropriate development provided it does not exceed 50% of the gross floor area of the original building as it existed on 26 July 1985.
7. The proposal seeks to replace a public house that has incidental bed and breakfast accommodation with a hotel. It is contended that the mixture of the proposed use, including a public bar, would be the same as the existing use. The Council have raised no concern in this respect. However, it is clear that the proposed public bar element would be ancillary in use to the hotel. This is not the same as the existing mixture of the use at the site. Moreover, the proposal involves a change of use from a Use Class A4 Drinking Establishment to a Use Class C1 Hotel. Consequently, the proposal would not involve the replacement of a building that is in the same use as the one it replaces as required by the noted policies.
8. Irrespective of the gross floor area of the proposal, as the existing and proposed use are not the same, the proposal would still be regarded as inappropriate development. Reference is also made to extant planning permissions at the site. However, this is not the existing use of the site. Consequently, the extant permission is not a relevant consideration in determining whether the proposal is inappropriate development. However, this is a matter to be considered further below.
9. Therefore I conclude that the proposal would be inappropriate development in the Green Belt.

Openness

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The additional floor space would result in built development where there is presently none. The larger height, footprint, and mass of the replacement building would unavoidably result in a reduction of Green Belt openness. This in itself is a harmful impact on Green Belt openness.
11. Despite the use of contrasting materials, the proposed 'L' shaped footprint and a number of design revisions, the proposal would be visible from adjacent public vantage points at Kingdown Road and Old Barn Lane. Whilst landscaping could reduce views of the proposal from Old Barn Lane, the proposal would remain visible from the site entrance. Consequently the resultant loss of Green Belt openness would be noticeable.

12. Therefore, based on my reasoning above, the proposal's impact on Green Belt openness would be significant.

Highway safety

13. During my site visit I saw that the roads leading to the nearby junction were not straight with a consequent effect on visibility and that the roads leading to the site and the A38 are almost single lane in width. Based against these highway conditions and levels of traffic, concerns are raised regarding the effect coming and goings from the site would have on highway safety. Particular concern is raised about comings and goings during the evenings by road users unfamiliar with the locality.
14. However, taking into account the existing use of the site, comings and goings associated with the proposed hotel are unlikely to be significantly higher. Also, evening journeys to and from the existing public house are likely to have occurred. The planning application form states that the 96 existing car parking spaces would be retained as part of the proposal. However, the proposed hotel would have similar car parking needs to the existing public house and would also utilise the existing access. In addition, no recorded evidence of highway safety issues or incidents at the site and surrounding area are before me. Furthermore, I note that the Council's Highway Officer raised no objections to the proposal.
15. Therefore I conclude that the proposal would not have a harmful effect on highway safety. Consequently the proposal would meet the requirements of SPP Policy DM24 which seeks to ensure development does not prejudice highway safety.

Other considerations

16. The site benefits from an extant permission granted in 2015 to convert and extend the building to a mixed use public house and hotel with 16 rooms. In 2014, permission was granted for a 10 room mixed public house and motel at the site. The appellant's calculations indicate that the proposal would have a smaller footprint than the 2015 permission, but a larger gross internal area.
17. However, I have not been provided with full details or elevation drawings of the previous permissions. Moreover, the appellant notes that previous applications to redevelop the site have not been viable. Therefore, based on the evidence before me, the previous permissions at the site are unlikely to be implemented. Consequently the fall back permissions at the site attract limited weight in favour of the appeal.
18. A number of benefits are put forward in support of the appeal. This includes its contribution to tourism, creation of employment opportunities, proposed landscape scheme, and support to an existing business and the rural economy. These benefits attract moderate weight in favour of the appeal.
19. Based on the Council's assessment and the existing use of the site, the proposal would not harm neighbours by virtue of noise and disturbance, anti-social behaviour and light and air pollution. I also agree with the Council's assessment regarding the setting of the Grade II listed building Butcombe Court. However, the absence of harm to neighbouring living conditions, the listed building setting and highway safety can only be regarded as neutral factors.

20. Nonetheless, combined, the benefits and fall back permissions referred to above carry moderate weight in favour of the appeal.

Conclusion

21. 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.
22. 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 SPP Policy DM12 which is the local policy of most relevance to this matter.
23. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR