
Appeal Decision

Site visit made on 16 May 2017

by David Walker MA MRTPI

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

Decision date: 13th June 2017

Appeal Ref: APP/F0114/W/17/3169473

Stables, Land East of Alma Cottage, Charlcombe Lane, Charlcombe, Bath BA1 8DR

- 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 Julia Morgan against the decision of Bath & North East Somerset Council.
 - The application Ref 16/04250/FUL, dated 24 August 2016, was refused by notice dated 12 January 2017.
 - The development proposed is erection of one dwelling following the demolition of existing stables.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether the proposal would be inappropriate development in the Green Belt
 - ii) the effect on the openness of the Green Belt and the purposes of including land within it
 - iii) whether the proposal would provide suitable access to the highway and to local facilities, and
 - iv) 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

Inappropriate development

3. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Under the National Planning Policy Framework (the Framework) the construction of new buildings is to be regarded as inappropriate in the Green Belt and should not be approved except in very special circumstances. Of the stated exceptions to inappropriate development at paragraph 89 of the Framework the sixth bullet point allows for the redevelopment of previously developed land, so long as there is no greater impact on the openness of the Green Belt.
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4. Although the appeal site has been used for equestrian purposes in the past there is some doubt over the lawful use of the land. Interested parties point to there being some time elapsed since horses were kept at the land and agricultural uses in the intervening period. There is no recent planning history, and the officer's report acknowledges that photographs showing horses on the land may have been taken some time ago.
5. In the face of conflicting evidence it has not been shown that the use of the appeal site would amount to being previously developed land under the definition provided at the annexe to the Framework. Consequently, in not complying with any of the exceptions listed under paragraph 89 of the Framework, and as the proposal would involve the construction of a new building, it would be an inappropriate development in the Green Belt. There would also be a conflict with Policy CP8 of the Bath and North East Somerset Core Strategy 2014 (the Core Strategy) that supports national Green Belt policies.

Openness of the Green Belt and the purposes of including land within it

6. The like-for-like replacement of the volume and three dimensional form of the existing building would lead to no reduction in Green Belt openness from this element of the scheme. However, pressure may arise for domestic items such as clothes lines or a storage tank that could result in clutter. My attention has also been brought to the visual impact of car parking.
7. I am mindful of the past uses of the land, and that any legitimate use of the existing building could conceivably spill outside and also have associated vehicle parking. There is no evidence therefore that the proposed dwelling would result in any greater impact on the openness of the Green Belt than the existing site conditions. As the proposal would be inappropriate development there would nonetheless remain a conflict with the purposes of designating land within the Green Belt.

Access to the highway and to local facilities

8. With no shops or public transport at Charlcombe, the nearest shops to the appeal site are some distance away at Larkhall. These are accessible only via a narrow lane with a steep hill. Without a footway for much of the length of Charlcombe Lane it is a location that would not be conducive to walking and cycling, and there is little evidence of accessible public transport alternatives. The proposal would lead to an inevitable reliance on the use of the private car.
9. While higher levels of car usage are to be expected in rural areas, I have nothing before me to explain how an additional dwelling would enhance or maintain the vitality of rural communities, as required by paragraph 55 of the Framework. In the circumstances the proposal would not accord with Policy DW1 of the Core Strategy and its requirement that development in rural areas is located at settlements with a good range of local facilities and with good access to public transport.
10. I acknowledge, however, that the proposal would utilise an existing field access onto the narrow highway. Although visibility is constrained by walls on both sides similar arrangements exist at other properties along this stretch of the lane. Existing traffic would be familiar with the constrained nature of these accesses. In the absence of any significant evidence of dangerous road

conditions I do not find harm in the continuing use of the access or conflict with the high standard of highway safety sought at saved Policy T.24 of the Bath and North East Somerset Local Plan 2007.

Other considerations

11. I am satisfied that the proposal would preserve the character and appearance of the Charlcombe Conservation Area, and conserve the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. However, there are no identifiable public benefits to outweigh the harm to the Green Belt that would arise from an inappropriate development. Accordingly, no very special circumstances are demonstrated to justify the proposal in Green Belt terms.
12. The proposal would therefore have a harmful effect on the purposes of including land within the Green Belt as well as poor access to local facilities. As a result it would conflict with paragraphs 79 to 89 of the Framework and Policies CP8 and DW1 of the Core Strategy.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR