
Appeal Decisions

Site visit made on 7 June 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 23 June 2017

Appeal A Ref: APP/D0121/W/16/3165203

Mill Farm, Station Road, Flax Bourton, Somerset, BS48 1NG.

- 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 David Smithies against the decision of North Somerset Council (the LPA).
 - The application Ref.16/P/1559/F, dated 10/6/16, was refused by notice dated 3/10/16.
 - The development proposed is the conversion and extension of single storey building to three bedroom dwelling with associated landscaping and parking.
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Appeal B Ref: APP/D0121/Y/16/3165208

Mill Farm, Station Road, Flax Bourton, Bristol, BS48 1NG.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Smithies against the decision of North Somerset Council.
 - The application Ref.16/P/1922/LB, dated 1/7/16, was refused by notice dated 3/10/16.
 - The works proposed are the conversion and extension of single storey building to three bedroom dwelling with associated landscaping and parking.
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Decisions

1. The appeals are dismissed.

Main Issues

2. Appeal A – whether proposal would be inappropriate development within the Bristol and Bath Green Belt (GB) and, if so, whether the harm by reason of inappropriateness and any other harm (having particular regard to the effect upon: the openness of the GB and the character of the area; the significance of the grade II listed Mill Farmhouse and; highway safety interests) would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances necessary to justify inappropriate development within the GB.
3. Appeal B – whether the proposed works would preserve Mill Farmhouse or its setting or any features of special architectural or historic interest which it possesses.

Reasons

Inappropriate Development (Appeal A only)

4. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate development
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within the GB. Exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Whilst the Framework does not define "disproportionate", policy DM12 of the Council's Development Management Policies Sites and Policies Plan Part 1 (DMP), which was adopted in July 2016, states, amongst other things, that an extension would not normally be regarded as disproportionate provided it does not exceed 50% of the gross floor area of the original building¹.

5. There appears to be no dispute between the main parties that the "original" building on the appeal site is the single storey, stone and mono-pitched pantile roof barn that is immediately adjacent to the public highway. It also appears that this building existed on 1 July 1948. However, there is dispute as to the size of the "original" building, the size of the proposed extension and the ensuing percentage increase.
6. On behalf of the appellant, it has been calculated that the original building has a floor area of 80m² and the proposed extension would be 39m². The Council has calculated that the existing building measures 75m² and the proposed extension would be 43.05m². In undertaking such assessments it is necessary to measure the external face of the walls. In this regard, rather unhelpfully, no annotated drawings have been provided by either party to show the dimensions of the "original" building. I am also mindful of the potential pitfalls of scaling from reproduced plans and where the thickness of lines on a drawing can produce differing results.
7. My assessment of the gross floor area of the "original building" is closer to the Council's figure but my assessment of the area of the proposed extension is very similar to the figure specified by the appellant. This in turn leads me to find that the proposal would exceed 50% of the gross floor area of the "original building" and would be disproportionate. In the context of national and local planning policies, the proposed enlargement of the building would therefore amount to inappropriate development within the GB. It would also conflict with DMP policy DM45 which relates to the conversion and re-use of rural buildings.

Effect upon the Openness of the GB and the Character of the Area (Appeal A only)

8. The proposed extension would erode the open qualities of this part of the countryside and the GB. Whilst the impact would be limited this also weighs against an approval. The development would be finished using natural stone on the walls and pantiles on the roof to match the host building. It would not detract from the visual qualities or the appearance of the area.

Mill Farmhouse (Appeal A and B)

9. The appeal site lies within the curtilage of the grade II listed Mill Farmhouse. This two storey listed farmhouse and mill house are believed to date from the late medieval period and was remodelled in the late 16th/early 17th and 19th centuries. The significance of this designated heritage asset lies primarily in its architectural qualities (such as the rubble walls and chimney stacks, pantile roof, windows and entrance doors) and historic interest (including important building fabric and associations with the nearby Tyntesfield).

¹ "Original" is defined in the DMP as the building that existed on 26 July 1985. The Framework defines it as a building that existed on 1 July 1948.

10. The appeal building, by virtue of its close physical and functional relationship with the listed house, its historic building fabric and simple stone walls and pantile roof, contributes to an appreciation of the historic rural character of the house. It adds to the heritage interest of this nationally important building. I also note from the representations made by a former resident that the appeal building appears to be the remains of the former mill that was later adapted for use as a cart house. If this was verified the building could be of greater historic interest.
11. As I have noted above, the proposed development would include the use of matching natural materials on the walls and roof. Existing openings in the building would be used to provide new windows and doors thereby avoiding the loss of any important historic fabric. The proposal would also secure a long-term use for the appeal building.
12. However, I concur with the Council that the proposed conversion would markedly change the character of the building. Its simple rural integrity would be all but lost and replaced with an overtly residential character with domesticated openings and activity. This and the separate garden areas with associated paraphernalia would erode the historic rural character/setting of the listed building and the physical and functional relationship between the buildings. It is by no means certain that residential use is the only viable use.
13. The proposal would diminish the historic interest of the listed building. This would conflict with the provisions of DMP policy DM4 and, in the context of the Framework, would result in less than substantial harm to the significance of the listed building. However, less than substantial harm does not equate to a less than substantial planning objection. It weighs heavily against an approval.

Highway Safety (Appeal A only)

14. As I saw during my site visit, there would be adequate space within the site for the parking and turning of cars. However, the access onto the B3219 is severely restricted in visibility to the north east when exiting the site.
15. During my visit, which was undertaken in the middle of the afternoon, the cars that I observed travelling past the entrance were not slow moving. Whilst there was a rather low volume of traffic, given the proximity of the site to Bristol and the local school, it is reasonable to assume that these flows would be much greater during the morning and evening rush hour as commuters and parents/carers drive along this part of the local highway network.
16. My visit represents only a snap-shot in time and I note the observations of the Council's highway officer that the road is "*narrow at this point, relatively heavily trafficked and subject to a derestricted speed limit.*" I also note from the officer's report that the separate access to Mill Farm was approved partly on the basis that the appeal site access was "*substandard and compromised highway safety*".
17. Although there are no details before me of any recorded road traffic accidents relating to this section of the B3219, I agree with the Council that any increase in use of the appeal site access would be likely to compromise highway safety interests along this part of the local highway network. The driver of any vehicle exiting the site and attempting to turn right would be especially at risk of collision. The proposal is contrary to DMP policy DM24.

Other Matters

18. As I noted during my visit, there is a school within a short walking distance of the site. (Part of this route includes an off road path.) The site is also conveniently located with regards to the dedicated (off road) cycle path between Backwell and Long Ashton. In addition, a regular bus service operates along the nearby A370.
19. Occupiers of the proposed dwelling would have a reasonable choice of transport modes available to them. I do not share the Council's concerns that the proposed dwelling would be remote from services and facilities.
20. The proposal would add to the choice and supply of housing within the district. It would also help support local services and facilities and help the construction industry. This can be given some very limited weight in the planning balance.

Planning Balance / Overall Conclusion

21. When all of the above is weighed I find that the harm I have identified to the GB, the significance of the grade II listed building and to highway safety interests would not be clearly outweighed by other considerations. The very special circumstances necessary to justify inappropriate development within the GB do not exist. As a consequence, the proposal also conflicts with DMP policy DM12. Even if the proposal did not comprise inappropriate development within the GB the harm to the character of the area, the significance of the listed building and highway safety interests would significantly outweigh the benefits. The public benefits would not outweigh the harm to the significance of the listed building. I therefore conclude that the appeals should not succeed.

Neil Pope

Inspector