
Appeal Decision

Site visit made on 20 July 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 03 August 2017

Appeal Ref: APP/F0114/W/17/3166414

Moret, Hursley Hill, Publow, Bristol BS14 0QZ

- 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 S Reed against the decision of Bath & North East Somerset Council.
 - The application Ref 16/02474/FUL, dated 18 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is described as the erection of 1 no self-build dwelling for use as a starter home.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is within the Green Belt so the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (NPPF) and its effect on the openness of the Green Belt; and
 - (b) Whether any harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development and Effect on Openness

3. NPPF paragraph 89 states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These include limited infilling in villages, or the limited infilling or redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
4. The site is the side garden of an existing house in an isolated group of about ten dwellings either side of the main A37 located just over 1km south of the crossroads next to a church and pub in Whitchurch village, which effectively defines the southern edge of the Bristol conurbation in this location. The proposal cannot therefore be reasonably said to be limited infilling within a village.

5. The Council accepts that the site is lawfully used as a builder's yard and is therefore previously developed land. The previous appeal decision (PAD) for a similar proposal¹ explains, as does the Council's delegated report, that openness in a Green Belt context means a physical absence of built forms and structures. As the PAD sets out, there are no permanent buildings or structures on the site and I was able to see during my visit that its use as a builder's yard is relatively low key. The proposed dwelling, taking account of its height and bulk, would clearly have a greater impact on the openness of the Green Belt than the storage of materials associated with the builder's yard, even if such a use was to become more intensive.
6. One of the purposes of Green Belts, as set out in NPPF paragraph 80, is to assist in safeguarding the countryside from encroachment. The site is in the countryside for the purposes of local and national policy despite being a gap between two existing dwellings. The proposal would give rise to a significant amount of new residential built form and therefore conflict with the Green Belt's purpose of safeguarding the countryside from encroachment.
7. Consequently the proposed dwelling would not meet the criteria of the above exceptions to new built development in the Green Belt and would constitute inappropriate development.
8. The appellant says that the Council has allowed similar proposals but the only one he refers to in any detail is one for an extension to an existing dwelling in Publow². That is not comparable to this proposal because such extensions fall under a different exception to new build dwellings in NPPF paragraph 89 with very different criteria required to be satisfied.

Very Special Circumstances?

9. The PAD accepted that the site is in a reasonably accessible location being directly on a bus route with a good level of service and reasonably close to local facilities in Whitchurch. But the Inspector concluded that it nevertheless failed to comply with paragraphs 89 or 90 of the NPPF or Policy HG.10 of the Bath and North East Somerset Local Plan 2007 (LP). She also dealt with the point that the site is 'somewhat unsightly' and that the proposed development would improve it by concluding that its appearance could be improved without building a house on it, a conclusion I agree with.
10. The appellant now raises additional considerations which he considers amount to the very special circumstances necessary to justify the proposed development. It is intended that the new dwelling will be a 'starter home', initially at least for his son and family and that this will be secured through a S106 planning obligation via a Unilateral Undertaking (UU). However, the supplied UU is only in draft form and is unsigned and dated and so, as a matter purely of fact, it cannot secure such an obligation. Even if it did, such 'starter homes' are not an exception to the presumption against new buildings in the Green Belt, as the appellant acknowledges in paragraph 3.6 of his response to the Council's appeal statement, so such a UU is immaterial.
11. The appellant is on the Council's Self-Build register and has been since mid-2016. The proposal is for a self-build dwelling and the promotion of such dwellings is indeed referred to in the Housing White Paper of February 2017.

¹ APP/F0114/W/15/3011477 dismissed 26 June 2015

² Appellant's Response to LPA Statement of Case, paragraphs 2.12 & 2.13

I acknowledge that lack of suitably identified sites for self-build dwellings in an area may be material to considering applications for such dwellings but this does not outweigh the clear policies set out in the NPPF restricting most forms of new development and certainly new buildings in Green Belts. Self-build homes are not a recognised exception to such restrictions, just as starter homes aren't.

12. Lastly, the appellant claims that the little weight afforded to the Parish Council's support of the scheme by the PAD should now be changed to greater weight in this case because of the publication of the *Draft Whitchurch Village Neighbourhood Plan 2015-2042 Pre-Submission version*. It is suggested that the proposal would comply with draft Policy WV1.3 because it would be an affordable dwelling. However, I have not seen a copy of the draft NP and it is unclear whether the site actually falls within its boundary. It is also unclear whether the proposed 'starter home' would actually conform to any definition of 'affordable housing' in the NP. In any case the NP is at an early stage in its genesis and I agree with the Council that it can only be given limited weight accordingly.
13. NPPF paragraph 88 states that 'very special circumstances' necessary to justify development in the Green Belt will not exist unless the potential harm to it by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The other considerations raised by the appellant as set out above do not outweigh the harm by reason of inappropriateness and loss of openness that would occur here, so there are no 'very special circumstances'.
14. I appreciate that the new dwelling would be to accommodate the son of the appellant, who clearly has a strong local connection to the area and that it would be an appropriately designed house in keeping with and infilling a gap between existing neighbouring dwellings. But it would demonstrably be contrary to national policy as expressed in the NPPF and to Policy CP8 of the Bath and North Somerset Composite Core Strategy which requires compliance with such policy.
15. The Council's Placemaking Plan (PP) was adopted on 13 July and I gave the parties a chance to comment on its potential relevance to the appeal. I acknowledge the appellant's comments in relation to PP Policies D7, GB2 and H4 but, for the reasons given above, they do not amount to the very special circumstances necessary to justify the proposed new dwelling in the Green Belt.

Conclusion

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

Nick Fagan

INSPECTOR