



Appeal Decision

Site visit made on 15 August 2017

by J Wilde C Eng MICE

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

Decision date: 04 September 2017

Appeal Ref: APP/D0121/W/17/3175530

Abbots Leigh Boarding Kennels, Pill Road, Abbots Leigh, BS8 3RE

- 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 J Milsom against the decision of North Somerset Council.
 - The application Ref 16/P/1611/F, dated 17 June 2016, was refused by notice dated 10 February 2017.
 - The development proposed is the erection of a new three bedroom bungalow and demolition of existing kennels buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both Parties agree that whilst the appeal site lies within the Green Belt, the proposed development would be on previously developed land and would not have a greater impact on the openness of the Green Belt than the existing structures that would be demolished. Nor would the proposed development compromise any of the purposes of including land in the Green Belt. I have been given no evidence that would lead me to a different conclusion and it follows that proposed development would not constitute inappropriate development in the Green Belt.

Main Issues

3. The main issues are therefore:-
 - a) Whether or not the proposed development would be in a sustainable location and,
 - b) The effect of the proposed development on the living conditions of the occupiers of the existing dwelling, with particular respect to noise, disturbance and loss of privacy.

Reasons

Location

4. The proposed development would involve the demolition of three existing kennel buildings and their replacement with a three bedroom bungalow. The appeal site lies in an isolated position, with fields on all sides, and lies outside

of a settlement boundary. Whilst the more built up area of Abbots Leigh is potentially within walking distance along the A369, this settlement has a lack of services and facilities and is therefore considered by the Council to be an unsustainable settlement. I agree with this assessment.

5. To access services such as schools, larger medical and shopping facilities and other day to day requirements residents of the proposed development would have to travel to either Bristol or the nearest service village at Easton in Gordano. Whilst I note that bus services to these settlements are reasonably regular and that a cycle track is in existence, I am not persuaded that these modest facilities are sufficient in themselves to prevent a significant amount of journeys being undertaken by a private motor vehicle, and that therefore the site cannot be considered to be sustainable in terms of its location.
6. In arriving at this conclusion I acknowledge that the kennel business generates a number of trips, but have not been provided with details of these. Furthermore, I am not persuaded that current generation of trips by a business is, by itself, a sound basis for allowing a dwelling in what I have found to be an unsustainable location.
7. The National Planning Policy Framework (the Framework) stipulates at paragraph 55 that Local Planning Authorities should avoid isolated homes in the countryside unless the proposed development complies with one or more of a list of four criteria. The proposed development does not comply with any of the listed criteria and is therefore in conflict with the Framework.

Living conditions

8. Parking for the proposed dwelling would be to the front of the existing dwelling and the only access to the proposed dwelling would be via a pedestrian path running directly by the side of the existing dwelling. Windows exist both to the front and side of the existing dwelling and notwithstanding that two of the side windows are high level, it nonetheless seems to me this unusual arrangement would be detrimental to the occupiers of the existing dwelling in terms of noise, disturbance and also privacy. The proposed development would therefore be in conflict with policy DM32 of the North Somerset Sites and Policies Plan – Part 1.
9. I note that the appellant owns the track to the west of the proposed development which could in theory be used to gain access to the proposed dwelling. However, this does not form part of the application and is not therefore before me in this appeal.
10. My attention has also been drawn to several other developments in the area where backland development has resulted. However, none of these are precisely the same as the proposed development in terms of the distances between dwellings, access arrangements or window orientation and consequently they cannot be deemed to be a precedent for allowing the present appeal.

Planning balance

11. It has been brought to my attention that the Council cannot demonstrate a five year supply of housing land. Paragraph 49 of the Framework indicates that in such circumstances the fourth bullet point of paragraph 14 of the Framework comes into play which means that permission should be granted unless specific

policies in the Framework indicate that development should be restricted. In this instance I have found conflict with paragraph 55 of the Framework, indicating that the fourth bullet point of paragraph 14 is not pertinent to this appeal.

12. I have found that the proposed development would not be in a sustainable location and that there would be harm to the living conditions of the occupiers of the existing dwelling. These matters carry significant weight.
13. However, the Framework makes clear that there are three strands to sustainability as a whole. These are economic, social and environmental, of which location is one element. In terms of the economic role, the proposed development would provide jobs in the short term and the future occupiers would be likely to spend money in the local economy. These benefits would however be marginal. The creation of a new dwelling would also be a benefit in social terms but once again would be very small in terms of the planning balance. The proposed development would not greatly contribute to protecting and enhancing the natural, built or historic environment or any of the other factors associated with the environmental role of sustainability.
14. Overall, the social and economic benefits of the proposed scheme do not outweigh the harm that I have identified and consequently the scheme can be considered unsustainable. As such it would conflict with policy CS14 of the North Somerset Core Strategy which stipulates that development outside of settlement boundaries is only acceptable where it comprises sustainable development.

Conclusion

15. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR