
Appeal Decision

Site visit made on 22 August 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/F0114/W/17/3174781

1 Rose Cottages, Kilkenny Lane, Englishcombe, Bath, BA2 2SL

- 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 Richard Parker against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05427/FUL, dated 5 November 2016, was refused by notice dated 15 February 2017.
 - The development proposed is change of use from detached garage to holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:
 - (i) Whether the proposal would represent inappropriate development in the Green Belt in relation to national policy as set out in *the Framework*¹, with particular reference to paragraphs 89 and 90.
 - (ii) The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - (iii) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.
 - (iv) Would there be any non-Green Belt harm?

Reasons

3. The appeal property is a recently built stone garage within the curtilage of the property known as 1 Rose Cottages. It is located in the countryside, just beyond the boundary of the built-up area of Bath, within the Green Belt.

Issue 1 – Whether the proposal would be inappropriate development in the Green Belt

4. The importance of Green Belts in checking urban sprawl is recognised in paragraph 79 of *the Framework*, which states that their essential characteristics are their openness and permanence. Policy CP8 of the Core

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

Strategy² also aims to protect the openness of the Green Belt from inappropriate development in accordance with national planning policy. One form of development which *the Framework* states, in paragraph 90 [4], is not inappropriate in the Green Belt, is the re-use of buildings, provided that the buildings are of permanent and substantial construction.

5. I agree with the Appellant that the proposal is not for a new building, but it is for the re-use of a building and that it is of permanent and substantial construction, which I observed at my site visit.
6. On the basis of the above considerations, I conclude on the first main issue that the proposal, for the re-use of a building of permanent and substantial construction, is not inappropriate development in the Green Belt.

Issue 2 - The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area

7. The garage which is the subject of the appeal sits within the residential curtilage of the Appellant's property. The proposal would not increase the built footprint and there is no permitted development restriction on additional domestic paraphernalia. Moreover, the appeal site is well contained by the topography of the land, and there is limited visual impact on the surrounding open area.
8. *The Framework* refers to the importance of keeping land in Green Belts permanently open. For the reasons I have just given, the appeal site does not play any role in maintaining the open character of the wider Green Belt in the surrounding area. I therefore consider that the proposed development would have no impact on the openness of the Green Belt countryside bordering the site, or on its landscape quality.
9. I also consider that the proposal would not be contrary to any of the five purposes of the Green Belt as set out in paragraph 80 of *the Framework*, i.e. checking urban sprawl, preventing the merging of neighbouring towns, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration. No harm would therefore be caused in this respect.
10. Taking the above factors into consideration, I conclude in relation to the second main issue that the proposal would not result in any material harm to the openness and character of the Green Belt and neither would it conflict with the purposes of including land within it. In this regard the proposal would not be contrary to *the Framework* or policy CP8 of the Core Strategy (Green Belt). As the proposal would not be harmful to the Green Belt for the reasons I have stated, the need for very special circumstances does not arise, and I therefore do not need to comment on issue 3.

Issue 4 – Would there be any non-Green Belt harm?

11. The appeal site is located outside the built-up area of the city of Bath, where policy B1 of the Core Strategy provides for small scale intensification within the urban area. This policy does not extend to permitting small scale development in the open countryside. Saved Local Plan policy HG10³ states that new

² Bath and North East Somerset Composite Core Strategy; adopted July 2014.

³ Bath and North East Somerset Local Plan including minerals and waste policies; adopted October 2007.

dwelling will not be permitted outside settlements unless they are essential for agricultural or forestry workers. The proposal, for what is a self-contained residential unit, would in my view be contrary to these policies, and for this reason I conclude that the appeal should be dismissed.

12. The Appellant makes a number of challenges to this conclusion, which I will deal with in turn. Firstly, I agree with the Appellant that the proposal would not be inappropriate development in the Green Belt for the reasons set out under issue 1 above. Secondly, Local Plan policy HG10 has been saved within the Core Strategy which was adopted in 2014 and is therefore not out of date. I agree with the Council that the proposed holiday let would be a self-contained dwelling, which therefore falls foul of policy HG10. Thirdly, although Core Strategy policy B1 is silent on holiday lets, I do not interpret this as giving a blanket green light to such development outside the built-up area of Bath. The policy does address tourism and tourist accommodation including local economic benefits, but I find nothing in the Core Strategy to support the proposal.
13. Fourthly, I note the Appellant's comments in relation to policy RE4 (essential dwellings for rural workers) in the emerging Placemaking Plan⁴. I have not referred to this policy in my reasons for dismissing the appeal, primarily because there are sufficient other policies on which to base my decision. Sixthly, I have had regard to the appeal decisions cited by the Appellant. Regarding the earlier (2013) decision in relation to Lower Shortwood Farm, Litton, I agree with the Council that the building was originally considered to be a farm building, so they do not appear to be parallel appeals. In the case of the more recent (October 2016) decision, which relates to the same property as the proposal before me, I agree with my colleague's conclusions, including those in paragraphs 11 and 12. In particular, I consider that the proposed holiday let would function independently from the main dwelling and be capable of independent occupation.

Conclusion

14. I have found that the proposal would not be inappropriate development within the Green Belt, and because of this and my second finding that the openness of the Green Belt would not be harmed, the need for very special circumstances does not arise. I have, however, found that the location and nature of the proposal would be contrary to the strategy of the local planning authority, as exemplified in policies HG10 and B1, to strictly control new development outside the built-up boundary of the City of Bath, and this has led me to dismiss the appeal. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

⁴ Bath and North East Somerset Placemaking Plan: District-wide Strategy and Policies; Pre-Submission Draft; December 2015. However, I note that this Plan has since been adopted (July 2017).