
Appeal Decision

Site visit made on 22 August 2017

by David Richards BSocSci DipTP MRTPI

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

Decision date: 06 September 2017

Appeal Ref: APP/P0119/W/17/3170940

Land at Church Lane, Rangeworthy, Bristol, South Gloucestershire, BS37 7ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Barnes against the decision of South Gloucestershire Council.
 - The application Ref PT16/1593/O, dated 6 April 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of 6 no. dwellings (outline) with access, layout, scale and appearance to be determined. Other matters reserved.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects on heritage assets, the effect on the settlement strategy for South Gloucestershire, the effect on landscape and countryside, and the effect on protected species.

Reasons

3. The planning application was submitted following refusal at appeal of a larger scheme. That appeal reference was APP/P0199/W/15/3133771. The scheme now proposed has been reduced in scale.
4. The appeal site consists of open pasture land and is situated within the village of Rangeworthy. It is accessed off Church Lane and is on the opposite side of the lane to the village primary school. Rangeworthy is essentially a linear settlement. The historic core of the village is situated on its northern edge and, along with the appeal site, contains Holy Trinity Church, Rangeworthy Court, a primary school and a pub. The majority of residential properties and the village hall are found some way to the south, broadly forming an L shape of development along Wotton Road and New Road. The surrounding area is rural in character, with fields bounded by hedgerows and scattered agricultural buildings. There is a bus service along the nearby Wotton Road.
5. The proposal is for the erection of 6 dwellings, of which three (50%) would be affordable units. The access would create a through route from Church Lane to the main road to assist with ameliorating traffic problems within School Lane, and would include a parking bay to allow children to be dropped off and picked

up. There would be two pairs of semi detached houses and two detached houses. The two semi detached houses fronting Church Lane would be two bedroom dwellings. The two semi-detached houses in the middle of the site would be three bedroom houses. The detached dwellings on the northern part of the site would be 4 bedroom dwellings.

6. The previous appeal scheme was for 10 dwellings. The Inspector concluded that the development would not be sustainable being highly car dependent and causing significant harm to the character and appearance of the area and the setting of the Grade II* Listed Buildings which outweighs any benefits of the proposal.

Policy

7. The development plan for the area consists of the South Gloucestershire Local Plan, adopted 6 January 2006 (LP) and the South Gloucestershire Local Plan Core Strategy, adopted 11 December 2013 (CS).
8. Saved Policy H3 of the LP restricts housing development in the countryside outside of established settlement boundaries (other than for specified categories which do not include the proposed development). Saved Policy L13 of the LP seeks to preserve the setting of listed buildings.
9. Policy CS1 seeks high quality design which enhances the character and distinctiveness of the locality and safeguards existing features of landscape, heritage and nature conservation significance. Policy CS5 allocates most new development to communities of the North and East Fringes of Bristol. In the Rural Areas (which include Rangeworthy), small scale development maybe permitted within settlement boundaries, which will be maintained until such time as they are reviewed through the Local Plan Documents or Neighbourhood Plans. Policy CS9 requires that heritage assets, the natural environment and the landscape be conserved, protected and enhanced where appropriate.

Effect on heritage assets

10. The site lies some 80 metres to the east of Holy Trinity Church and Rangeworthy Court Hotel, on Church Lane. Both of these buildings are listed Grade II*. Rangeworthy Court is a substantial seventeenth century house built in the local gabled vernacular and is 3 1/2 stories in height. Holy Trinity Church is Norman in origin. It was restored in the 19th century, when the vestry was added.
11. The previous Inspector reached the following conclusions on the effects of the development then proposed:
12. *'Rangeworthy Court is a 17th Century manor house which is the most imposing building in this part of the village. The Court stands in its own grounds, with its principal elevation to the west and is generally well screened by trees to the south and east. There are views towards the Court from a number of points, particularly within the appeal site and from Wotton Road. Indeed, in views from Wotton Road, when approaching the appeal site from the north, the land is open and retains much of its agricultural character so that, despite the residential development elsewhere in the locality, it still serves to convey the original rural setting of the Court, detached from the main village.'*

13. *'The proposed development would be somewhat suburban in character so that, in effect, the Court would become absorbed into this urban form. The loss of the historic relationship between the Court and the countryside would have an adverse effect on the setting of this heritage asset, particularly where the development would close up the last remaining gap between the Court and the Village.'*
14. *'Holy Trinity Church sits immediately to the west of the Court. It is an 11th century Anglican parish church, which has been altered, extended and restored in subsequent years. From the appeal site only the church bell tower is visible. As a result I concur with the comments made by Historic England that the Church has little visual relationship with the appeal site. Nevertheless the Church and the Court form an interesting group of buildings which maintain a strong relationship with the surrounding pastoral landscape, of which the appeal site forms part. Therefore the appeal site makes an important contribution to this historic setting.'*
15. She concluded: *'The proposed development of 10 dwellings would materially close up the historic gap between these heritage assets and the village, thus diminishing their overall significance. Accordingly, the development would be contrary to Core Strategy Policy CS9, which requires, amongst other matters, that new developments ensure heritage assets are conserved, respected and enhanced in a manner acceptable to their significance.'*
16. I accept that the scheme has been significantly revised, and development has been pulled back from the northern site boundary, so that dwellings would not intrude in views of Rangeworthy Court from Wooton Road. Nevertheless the siting, scale, density and layout of the 6 dwellings would still have a harmful impact on the openness and character of the field, and its contribution to the setting of the heritage assets.
17. The appeal site remains an important part of the setting of the listed buildings, and that of the Church. The status of these buildings is emphasised by the separation between them and buildings set along Wotton Road, which has to date been consciously preserved, and contributes to the significance of the heritage assets. I accept that the more recent bungalow between the appeal site and Rangeworthy Court has diminished this sense of separation to a limited degree, but the appeal site itself remains an important element in the setting.
18. I accept that the Church is largely screened from the site by the intervening buildings and established planting. Nevertheless the setting in which a listed building is experienced is wider than, and not dependant on, a direct visual interrelationship. The construction of dwellings on the site would occupy the important gap with consequent harm to the historic setting of the listed buildings. The proposal would still conflict with Core Strategy Policy CS9. I acknowledge that the harm to significance would be less than substantial, but nevertheless it is a matter which attracts considerable importance and weight.
19. Where harm to heritage assets would be less than substantial, Paragraph 134 of the Framework requires that the harm should be balanced against any public benefits of the proposal. I accept that the scheme would provide housing, including affordable housing above the Council's policy requirement, which would contribute to the housing needs identified by the Parish Council, and in a limited way to meeting wider housing need in the District. There would also be

economic benefits from housebuilding, on-going maintenance and improvement, and increased custom for local businesses, though the scale of this would be modest. I also note that the provision of a through route would help to ameliorate traffic conditions occasioned by the school run, though as the new access is made necessary by the development, I attach little weight to this as a benefit. However, I do not consider that these benefits would outweigh the identified significant harm to the setting of the heritage assets, to which I attach considerable importance and weight.

Effect on the settlement strategy for South Gloucestershire

20. It is accepted that the site lies outside the Settlement Boundary for Rangeworthy as referred to in LP Policy H3, and is not one of the exceptions considered permissible in the countryside. The development of the site would also conflict with the settlement hierarchy proposed in Core Strategy Policy CS5. This, together with Policy CS34, re-affirms the existing development boundaries until such time as they are reviewed through Local Plan Documents or Neighbourhood Plans.
21. The Council accepts that it cannot currently demonstrate a 5 year supply housing land. The latest annual monitoring report (AMR) is dated December 2016. It concludes that the Council is only able to demonstrate a 4.54 supply of housing land. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date in such circumstances. Paragraph 14 of the Framework advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. The heritage policies set out in Section 12 of the Framework are examples of policies which indicate development should be restricted, in accordance with Footnote 9 to paragraph 14.
22. Rangeworthy is located within the Rural Areas of South Gloucestershire, as defined in the adopted CS. A dispersed pattern of development in the rural areas was considered to be unsustainable by the Inspector who undertook the CS examination. The proposal would be in conflict with the locational strategy set out in Policy CS5 which only permits small scale development within existing settlement boundaries.
23. I accept that saved Policy H3 of the LP and Policy CS5 are not up to date, insofar as the definition of development boundaries, which have yet to be redefined in relation to current housing needs, operates as a restriction on the supply of housing. It is also evident that the housing numbers of the CS are due for review. Nevertheless, the identified shortfall is less than 6 months supply, and I do not consider that the locational strategy of the CS, as set out in Policy CS5, which is consistent with the approach taken by the Framework, is invalidated as a result. It remains a material consideration to which considerable weight should be attached.
24. Policy CS8 (also consistent with the Framework) gives priority to development in accessible locations and providing users of new development with a range of travel options. The previous Inspector concluded that users of the development would be heavily car dependant, and the same consideration

applies to this proposal. I conclude that development in this location would conflict with the settlement strategy for South Gloucestershire.

Effect on landscape and countryside

25. The Appellant argues that the Council will need to make substantial alterations to existing boundaries around settlements to meet its housing needs, and therefore the effect on countryside and landscape would be no more significant than with any other edge of settlement site. While I accept this line of argument in principle, it is material here that the field landscape forms part of the setting of the listed buildings, as discussed in detail above, and consequently the harm arising is in any event a matter of considerable importance and weight. I do not consider that harm to the landscape and countryside per se carries significant additional weight to the heritage harm. However the proposal, even in its reduced form, would contribute to the suburbanisation of Church Lane, and contribute to a loss of the tranquillity which is a characteristic of this part of the village. It would conflict with the relevant policies of the development plan, and weighs against allowing the appeal.

Effect on protected species

26. The Council considers that the ecological report submitted with the application is out of date and further information is needed. The site is not covered by any statutory or non-statutory nature conservation designations. The 2015 report concluded that no Great Crested Newts were identified in the ditch close to Wooton Road on the site. All other waterbodies are located over 250 m from the site, and classified as distant (with the exception of one pond at some 230 m distant). Were I minded to allow the appeal I consider that this matter could be satisfactorily addressed by the attachment of a condition.

Section 106 obligation

27. The Appellant has submitted an executed section 106 obligation to address matters raised by the Council's refusal reasons 5, 6 & 7. Schedule 1 would secure a sum of £10,000 as a contribution to the making of traffic improvement orders required for the improvement works to Church Lane. Schedule 2 would secure a sum of £45,100.87 as a contribution to the provision of offsite public open space. Schedule 3 would secure the provision of three of the dwellings as affordable housing. Compliance with the Council's policy would require 35% affordable housing, or 2 dwellings. The submitted obligation meets this requirement, but provides an additional affordable dwelling. In general I consider that these provisions would be necessary to make the development acceptable and otherwise compliant with the CIL Regulations.

Balancing exercise and conclusion

28. Section 38(6) of the Town and Country Planning Act requires that I determine the appeal in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Notwithstanding that the Council cannot demonstrate a 5 year supply of housing, case law has established that the presumption in favour of sustainable development referred to in paragraph 14 of the Framework (sometimes referred to as 'the tilted balance') is disapplied where harm to heritage assets has been found to outweigh benefits,

in accordance with Footnote 9 to Paragraph 14. In these circumstances, the development cannot be considered sustainable. As a result the balance to be applied in this case is the normal balancing of the provisions of the development plan against other material considerations.

29. The proposal would conflict with saved Policy H3 of the LP, as it is outside the development boundary and in the countryside. With regard to the CS settlement strategy, it is not in a location which has been identified for housing development. The previous Inspector concluded that residents would be heavily car dependant for most purposes, and that has not changed in the interim.
30. I have previously concluded that the harm to the heritage assets would not be outweighed by the benefits of the scheme. My overall conclusion is that the development would conflict with the development plan as a whole and this conflict is not outweighed by other material considerations. Accordingly, I dismiss the appeal.

David Richards

INSPECTOR