
Appeal Decision

Site visit made on 31 October 2017

by Rory MacLeod BA MRTPI

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

Decision date: 17th January 2018

Appeal Ref: APP/F0114/W/17/3179891

Land and buildings between The Spinney and Barn Cottage, Old Bristol Road, Keynsham BS31 2AH

- 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 Mrs Sherry Shearn against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05657/FUL, dated 14 November 2016, was refused by notice dated 16 January 2017.
 - The development proposed is conversion of existing barn to a dwelling and part demolition / replacement.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Subsequent to the refusal of planning permission, the Council has adopted the Bath and North East Somerset Placemaking Plan. The policies in this document replace those from the Bath and North East Somerset Local Plan (2007) referred to in the decision notice.

Main Issues

3. The main issues are
 - (a) whether the proposal would constitute inappropriate development in the Green Belt,
 - (b) the effect of the proposal on the character and appearance of the host building and surrounding area,
 - (c) the effect of the location of the dwelling outside the settlement boundary,
 - (d) whether the proposal makes appropriate provision for bats,
 - (e) the effect of the development on highway safety, and
 - (f) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal relates to an overgrown parcel of land with a vehicular access from Old Bristol Road to its eastern side. There is a barn in the western corner of the site with stone walls to three sides and an open front and a few dilapidated outbuildings close to it, all used for storage purposes. The site is outside any housing development boundary and is located within the Green Belt. The proposal is to convert the barn to a dwelling, to demolish the outbuildings to enable construction of an extension to the barn and to construct a garage close to the northern boundary.
5. Paragraph 90 of the National Planning Policy Framework (the Framework) lists certain form of development as not inappropriate in the Green Belt. One of these is "*the re-use of buildings provided that the buildings are of permanent and substantial construction*". The appellant has submitted a report of a structural survey of the barn which confirms that it is structurally sound and capable of conversion. The report has been prepared to address the concerns of an Inspector in respect of an appeal for a barn conversion in 2009¹ regarding the barn's structural integrity. Whilst the barn can now be considered to be of "*permanent and substantial construction*", paragraph 90 also requires assessment in relation to openness and the purposes of including land within the Green Belt.
6. The internal floor area of the barn is about 35m² according to the submitted floor plan. This is too small for the barn to be re-used as a dwelling without some form of enlargement. Two new buildings are proposed; an extension to the barn and a detached garage. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it complies with cited exceptions. One of these is "*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*". The extension would have a length of about 13m, almost double the length of the barn and a floor area above the size of the original building. It would appear as an elongated adjunct to the barn and in these respects would be a disproportionate addition.
7. Another cited exception to inappropriate development in paragraph 89 allows for "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". The extension would be similarly sited to the dilapidated outbuildings to be demolished. The appellant has calculated the floor area of the proposed dwelling to be 92m² with another 30m² for the garage making a total of 122m² compared to a total of 125m² for the existing buildings on site. Whilst there would be a small reduction in floor area (1%), the volume of the new buildings is calculated to be 34m³ (13%) larger. The Framework does not define "materially larger" but it is evident that the volume of the extension and garage combined would be larger than that of the row of outbuildings to be demolished. The increase in volume would not be substantial but in my opinion, it would nonetheless be material and therefore this exception to inappropriate development does not apply. There is also uncertainty that the new buildings would be in the same use. At the time of my site visit the barn and outbuildings were in use for storage of

¹ APP/F0114/A/09/2112400

hay and timber rather than domestic items but the new use would be for residential purposes.

8. The appellant also asserts that the development accords with the sixth cited exception to inappropriate development at paragraph 89 of the Framework. This includes the partial redevelopment of previously developed land *"which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development"*. The definition of previously developed land within the Framework excludes private residential gardens in built up areas. The Council states that the existing site was previously part of a residential curtilage but is no longer connected to a dwelling. The appellant confirms that the land has been used as a garden and remains in this use, even though it is now more overgrown than when the last appeal was determined. The site therefore comprises residential garden land but it is not located within a built up area. Having regard to the evidence before me, I consider that the site does therefore constitute previously developed land, but the impact on the openness of the Green Belt also has to be assessed.
9. Paragraph 79 of the Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open". One of the five purposes of the Green Belt set out at paragraph 80 of the Framework is "to assist in safeguarding the countryside from encroachment".
10. The proposal would include a new garage building the roof ridge to which would be approximately 5m high and 5m in length. This would be significantly higher than any of the outbuildings to be demolished. Whilst the height of the extension would be comparable to that of the outbuildings, there would still be an overall increase in volume. Notwithstanding the similarity in overall floor area, the increase in volume would result in some loss of openness to the Green Belt and some conflict with the purposes of the Green Belt. In that the proposal would have a greater impact on the openness of the Green Belt than the existing development, the sixth cited exception to inappropriate development at paragraph 89 of the Framework does not therefore apply.
11. The Bath and North East Somerset Placemaking Plan (PP) was adopted in July 2017 and is compatible with the Framework. Policy RE6 of the PP relates to the re-use of rural buildings and states that the conversion of a building to a new use will only be permitted provided the building is not capable of conversion without substantial or complete reconstruction or requires a major extension. Whilst the barn is of substantial construction, its conversion to a dwelling is dependent upon the provision of a major extension. The proposal would thereby be contrary to policy RE6. The proposal would also be contrary to policy RE6 in that its encouragement of the re-use of rural buildings is where the proposal does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.
12. My findings on the first main issue are that the proposal would be a disproportionate addition to the existing building in relation to its greater size. It would also be contrary to Policy RE6 of the recently adopted Placemaking Plan. Notwithstanding the demolition of the outbuildings, there would still be a small overall increase in volume and some loss of openness of the Green Belt. The garage would also be sited remote from the dwelling and the buildings to

be demolished. As such, the proposal amounts to inappropriate development. Paragraph 87 of The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Character and appearance

13. Whereas the barn has stone walls and a tiled pitched roof with a central ridge, the extension would have walls constructed from aluminium cladding and cedar timber panels and would have a flat roof. Having regard to its length, design and the materials to be used in its construction, the extension would contrast with and not complement the character and appearance of the existing barn. It would be a relatively low structure and not readily visible from beyond the site boundaries. Nonetheless, the flat roof design and modern materials would not be in keeping with the pitched roofs and traditional stone and tile buildings that are characteristic of the surrounding area. The profile of the garage would better reflect that of the barn but the proposals as a whole would still conflict with policies D2 and D5 of the PP that require amongst other matters the design of development to contribute positively to local character and for extensions to complement and enhance the host building.

Settlement boundary

14. The appeal site is bounded by roads on two sides and by residential curtilages to the other boundaries. It is close to other dwellings and businesses in the vicinity. Paragraph 55 of the Framework discourages the location of new isolated homes in the countryside and whilst the site is located outside of a defined settlement boundary, this is not an isolated site within the countryside. Moreover, paragraph 55 recognises as an exception to new isolated homes in the countryside, the re-use of redundant or disused buildings that lead to the enhancement of the immediate setting. Whilst the proposal would result in the reuse of a redundant building, albeit with a substantial extension, I have found harm in relation to the character of the area, and so the development would not lead to the enhancement of the immediate setting.
15. Policy RE4 of the recently adopted PP relates to essential dwellings for rural workers. It states that new dwellings will not be permitted outside a housing development boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The site is located outside of a designated housing development boundary. The appellant makes no case that the proposal is functionally related to a rural worker. Therefore, notwithstanding the site's location away from open countryside, there is a fundamental conflict with policy RE4.

Provision for bats

16. The application was accompanied by habitat and ecological survey reports that confirm that the barn is used as an occasional day roost (and possible transitional roost) by low numbers/individual lesser horseshoe bats. As such, the proposal would require provision of a replacement roost space and a European Protected Species (EPS) licence. Subsequent to the refusal of the application, the appellant has made amendments to the plans for the detached garage to show provision of alternative bat roosts which the appellant contends would provide sufficient mitigation. Had I been minded to allow the appeal in relation to other main issues, it would have been appropriate to include

planning conditions regarding the details of the roosts, the phasing of the development and the location of any interim roost provision to ensure that the proposals satisfy the requirements of policy NE3 of the PP that seeks to control development that adversely affects internationally or nationally protected species.

Highway safety

17. The fifth refusal reason relates to the inadequacy of the submitted drawings in relation to all highway safety matters. Subsequent to the refusal of the application, the appellant has prepared a drawing showing visibility splays at the existing site access. At the time of my site inspection I noted that whilst there are no footways to Old Bristol Road that visibility in both directions is good and that it would be possible to clip back the hedgerow on both sides of the access to maintain adequate visibility. The width of the access by the site entrance would also be sufficient to allow two-way passage in the first part of the drive. I have noted the objections from local residents several of whom have referred to Old Bristol Road as a 'rat run'. These do not change my view that it would be possible to provide a satisfactory vehicular access on to Old Bristol Road. As such I consider that there would be no conflict with policy ST7 of the PP that seeks to ensure that highway safety is not prejudiced in development proposals.

Other considerations

18. The appellant's submissions raise other points in favour of the proposal. The White Paper 'Fixing our Broken Housing Market' (February 2017) confirmed the need for additional housing to be delivered (between 225,000 and 275,000 new homes every year). The delivery of an additional dwelling through the appeal proposal would make a small contribution towards meeting this need. The White Paper also seeks to encourage more small and medium sized builders to help deliver the additional homes needed and reduce reliance on the large volume house builders. The proposed dwelling would be delivered by a small builder, so helping to meet this additional objective of the White Paper. Whilst the proposal would be a benefit in these respects, it would be for only one dwelling. I attach limited weight to this benefit.
19. The application has been supported by an arboriculture assessment that confirms that the proposal would not harm any significant trees at the site. The appellant also infers that retention of the boundary screening would ensure that there would be no adverse effect on the living conditions of adjoining occupiers. To my mind a lack of harm does not however amount to a positive benefit and as a result these are neutral considerations in the planning balance.

Conclusion

20. The proposal amounts to inappropriate development and the Framework indicates that this is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition there would be a small impact on openness and on the purpose of safeguarding the countryside from encroachment arising from the redistribution of buildings at the site. Substantial weight should be given to the harm to the Green Belt. In addition there would be harm resulting to the character and appearance of the existing building and surrounding area from the proposed extension. There would also

be harm arising from the location of the proposal outside of a designated settlement boundary.

21. On the other hand, I have found that the proposal is capable of making satisfactory alternative provision for bats at the site and that the proposal would not result in harm to highway safety. I have attached limited weight in favour of the proposal in relation to the provision of an additional dwelling and its delivery by a small or medium sized builder. But the safeguarding of existing trees at the site and living conditions of adjoining occupiers are neutral considerations attracting no weight. The substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
22. For the reasons given the appeal is dismissed.

Rory MacLeod

INSPECTOR