
Appeal Decision

Site visit made on 18 June 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/P0119/W/19/3221386

**Land to West of Falfield Village, Sundayshill Lane, Gloucestershire
GL12 8DQ**

- 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 James Pearce against the decision of South Gloucestershire Council.
 - The application Ref PT18/1282/O, dated 15 March 2018, was refused by notice dated 29 October 2018.
 - The development proposed is erection of 5no. dwellings (outline). All matters reserved.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address as given on the appeal form as that most accurately reflects the location of the appeal site, including a postcode. Similarly, I have used the description of development as set out in the Council's refusal notice as that most accurately describes the act of development being proposed.
3. Whilst the appeal was made on the basis of the Council's failure to issue a decision in the prescribed timescale, it was confirmed during the appeal that the Council had made a formal decision on 29 October 2018. Accordingly, I have determined the appeal on that basis.
4. The application was made in outline with all matters reserved for subsequent consideration. The appellant has submitted a plan showing a possible layout for the proposed dwellings. Whilst this is illustrative only, I have had regard to it as a helpful indication of how the development might take place.

Main Issues

5. The main issues are:
 - whether the appeal site would be suitable for residential development having regard to national and local planning policies on the location of housing and achieving safe and suitable access to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the location

6. The appeal site forms the northern strip of a large field to the west of Falfield. On approaching the site from the village, there is a strong sense of a village edge some distance away from the site as Sundayshill Lane crosses a stream and emerges into open countryside shortly beyond a dwelling known as Whitegates. Up to this point, the lane is tree-lined and enclosed by hedgerows with scattered dwellings to either side, often sited close to the highway edge.
7. In contrast, the land beyond Whitegates, whilst remaining hedge-lined, becomes much more open with sweeping views of rolling countryside, including across the appeal site.
8. The Council indicates that the site lies outside the defined settlement boundary for the purposes of the Development Plan. Moreover, on the basis of the red line on the submitted plans, the proposed dwellings would be located some distance from the edge of the village. In this location, I observed that there is very little perception of other development or activities and I therefore regard the site as being in an isolated location in the countryside.
9. Applications for planning permission are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
10. In line with an overall strategy of reducing the need to travel and safeguarding the countryside, Policy CS5 of the adopted South Gloucestershire Local Plan Core Strategy 2006 – 2027 (2013) (the Core Strategy) seeks to promote most new development within the North and East Fringes of the Bristol urban area, with lesser scale of development at Yate/Chipping Sodbury and Thornbury. In the rural areas outside the Green Belt such as Falfield, the Policy establishes that small scale development may be permitted within settlement boundaries and that, in the open countryside, new development will be strictly limited.
11. Similarly, Policy PSP40 of the adopted South Gloucestershire Local Plan Policies Sites and Places Plan (2017) (the LPPSP) states that residential development in the open countryside will be acceptable in specified exceptional circumstances, none of which apply to the appeal proposal.
12. Turning to accessibility, the site lies at least 800m from the nearest health, community, post office and public house facilities in Falfield according to the Council's evidence. The Council also submits that the nearest bus stop is 580m from the central part of the appeal site although the appellant suggests it is 450m away. Nevertheless, the services are some distance away. Moreover, the route to access those services along Sundayshill Lane is, for much of its length, narrow, lacking footpaths and unlit. Whilst it would be reasonable to expect that the journey could be undertaken with due care and attention by bicycle, including after dark and in inclement weather, I am not convinced that that it would be an attractive option for pedestrians.
13. Moreover, given the physical constraints and limitations of the country lane, I consider it likely that pedestrians would routinely encounter conflict with vehicular traffic. Whilst a grass verge exists for part of the route, that does not to my mind provide a particularly safe or suitable pedestrian refuge. As such, the development of the appeal site would not provide safe conditions for future

occupiers and visitors to access and leave the proposed dwellings on foot, particularly after dark.

14. Whilst the appellant has referred to the possibility of alternative off-road footpaths being provided, the details of any such routes are not before me and I am unable therefore to conclude that safe and convenient access to the village's facilities could be achieved. I therefore find that future occupiers of the proposed dwellings would be likely to be reliant to a large degree on the private car. In this regard, the fact that existing residents on Sundayshill Lane already use the lane under these conditions – or are otherwise car dependent – does not justify further development.
15. Drawing this main issue together therefore, the appeal site lies in an isolated location in the countryside and would not be served by safe and suitable access for pedestrians to day-to-day services and facilities. As such it would conflict with Core Strategy Policies CS1, CS5, CS8 and LPPSPP Policies PSP11 and PSP40. Together, those Policies seek to promote most new development in locations which reduce the need to travel and commute and restrict development in the open countryside. The Policies also require development to connect to the wider network of foot, cycle and public transport links and to provide appropriate, safe, accessible, convenient and attractive access for all mode trips arising to and from the proposal.
16. A further requirement is that residential proposals are located on safe, useable walking routes that are an appropriate distance to key services and facilities. In these respects, the proposal would also conflict with the National Planning Policy Framework (the Framework) which states that planning decisions should avoid the development of isolated homes in the countryside except in a limited range of circumstances, none of which apply in this case. It further states that appropriate opportunities to promote sustainable transport modes should be taken up and that safe and suitable access to proposed development sites can be achieved for all users.

Character and appearance

17. As noted above, on leaving the built-up area of Falfield on Sundayshill Lane, whilst flanked by hedgerows and trees, there are also sweeping views of extensive open fields, with very little built development evident. The appeal site gently slopes away from the road and distant views are gained across it in places, particularly from the existing field gate in its north eastern corner. Accordingly, although not protected by any formal designation, the countryside feels unspoilt and palpably rural in character.
18. Whilst in outline only, the illustrative plan shows that the dwellings would be sited some distance along the lane and aligned so as to broadly follow the hedgerow on the northern boundary of the site. It is also indicated that the dwellings would be accessed principally by a new "rural access lane" running roughly parallel to the road connecting to the highway at the existing field gate on the eastern fringe of the site.
19. The dwellings could be designed to a high standard and constructed from good quality materials. A scheme of landscaping could also be provided which would provide some mitigation to any visual harm which would arise. Nevertheless, given its isolated position, the scheme would represent an arbitrary pattern of development which would alter and have a significantly urbanising effect upon

the landscape and character of the open countryside. Such effects could not, in my judgement, be mitigated through landscaping, detailed siting or design to the extent that would make the development acceptable.

20. I appreciate the appellant has indicated that no further development is intended in the remainder of the field to the south. Be that as it may, the scheme would nevertheless erode the rural character of the site and its surroundings in its own right.
21. Accordingly, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area in conflict with Core Strategy Policies CS1 and CS34 and LPPSPP Policies PSP1 and PSP2. Those Policies require the siting of development to be informed by, and respect and enhance the character, distinctiveness and amenity of the site and its context and to be well integrated with existing adjacent development. Specifically in rural areas, development proposals are required, amongst other considerations, to protect, conserve and enhance distinctive character, beauty and landscape.

Other Matters

22. At the time of the planning application, the Council indicated it was unable to demonstrate a five-year housing land supply (5YHLS) in line with the requirement of the Framework. However, by the time of the appeal, it indicated that its December 2018 Annual Monitoring Report confirmed that a 5YHLS can now be demonstrated. Whilst the extent of the surplus in supply is not explained, I have no reason to doubt the Council's submissions in that regard in the absence of any substantive challenge.
23. Consequently, the so-called tilted balance within the terms of Paragraph 11 of the Framework is not engaged in this case and I have no reason to determine the appeal on any basis other than in accordance with the Development Plan having regard to other material considerations.
24. I appreciate the appellant's concern that the Council apparently did not determine the planning application in a timely manner, although I have no clear evidence as to the reasons for any such delay. Nevertheless, that is a matter for the two parties and does not have a direct bearing on the merits of this appeal. I must determine the appeal on the basis of Development Plan policies and circumstances as they currently exist and I have done so.
25. In any event, despite the appellant's submissions, I note that the Council correctly applied a tilted balance exercise in determining the planning application, given the then shortfall in 5YHLS, albeit this resulted in the refusal of planning permission.
26. The appellant has drawn my attention to a number of other planning permissions which have been granted by the Council for development in the countryside¹. However I have not been provided with details of the background to those cases and therefore cannot be certain of the circumstances in which

¹ PT17/4800/O – described as land between Sundayshill Lane and Moorslade Lane; PT/05/2755/F - Gully Farm; PT06/3498/LB – The Cider Barn; PT10/2883/F – Sundayshill car park; PT16/6587/LB 0 - Gully Farm; PT16/3963/PNGR – Dudden Farm; PT17/1243/F – Sundayshill Farm; PT18/0398/F – Dudden Farm; PT02/3497/F – the Line Works; PT06/2194/F – Kyneton House and outbuilding; HM Prison Eastwood (no reference provided).

they were permitted. According to the Council's evidence, however, these cases all differ from the appeal proposal in that they variously involved the conversion or replacement of existing buildings, were for an entirely different form of development, were determined under a different planning policy context or 5YHLS circumstances and/or are otherwise not comparable in terms of their location.

27. Based on the submitted evidence I see no reason to disagree that they do not represent reasonably comparable cases to the appeal proposal before me. In any event, I must consider the specific proposal before me having regard to its own particular merits.
28. The appellant also describes an intention, in the event of planning permission being granted, to undertake a range of improvement measures on land within his control but outside the appeal site to the south. These would include planting fruit trees and supporting animal rehabilitation in a way which would include local people. However, whilst laudable, no clear mechanism has been submitted to provide confidence that such measures would be delivered in the event of the appeal being allowed, nor sufficient information to allow me to assess the weight that should accrue to any such benefits.
29. I have also had regard to the appellant's intention that the development should be a 'self-build' scheme which might enable low- and middle-income families an opportunity of a home. Although the Council indicate no current identified need for such development, I am mindful that this is a form of development which is encouraged by the Framework and the National Planning Practice Guidance as well as LPPSPP Policy PSP42. Nevertheless, the planning application is not accompanied by any clear safeguard that would ensure the dwellings would be offered as self-build opportunities in the event that permission is granted. This significantly limits the weight I attach to this consideration.
30. The scheme could provide comfortable family-sized accommodation with a south-facing rural outlook. The dwellings could also conform to high levels of energy efficiency. Nevertheless, I have no evidence to show that it would be necessary for the appeal site to be delivered in order to meet such housing needs in the area and such benefits are therefore not sufficient to outweigh the harm I have found.
31. The Council's ecology officer indicated the likelihood of protected species being present on the site. However, this did not form a reason for refusal apparently as a result of the Council's concern to avoid the appellant having to incur abortive survey costs. Nonetheless, given the reasonable likelihood of such species being affected, I am mindful that it would have been necessary for me to have been satisfied, on the basis of ecological evidence, that the extent of any such harm had been established before I could have granted planning permission. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.
32. I have had regard to the likelihood that adequate access visibility splays could be achieved and that the development would not be harmful to the living conditions of any existing occupiers. However, those are neutral considerations in the overall planning balance.

33. A number of other representations have been made in opposition to the scheme. Whilst I have carefully considered these, none alter my conclusions as set out above and so I have not considered them further in this decision.

Conclusion

34. For the reasons given, the appeal is dismissed.

Ian Bowen

INSPECTOR