



Appeal Decision

Site visit made on 21 May 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/F0114/W/19/322227

Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath BA2 7TB

- 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 Ian Taylor of Kaleidoscope Collection against the decision of Bath & North East Somerset Council.
 - The application Ref 18/02730/FUL, dated 19 June 2018, was refused by notice dated 30 October 2018.
 - The development proposed is the erection of a temporary marquee.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and;
 - The effect of the proposal on the character and appearance of the area, with particular reference to the Cotswold Area of Outstanding Natural Beauty (AONB), and;
 - If found to be 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 required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal proposal relates to the erection of a marquee for 5 months of the year, over a three year period, to be used as an alternative function venue to those already available at Homewood Park Hotel. On the basis of the evidence before me I am satisfied that a marquee of the nature and scale of the appeal proposal would fall within the definition of a building set out in section 336 of the Town and Country Planning Act 1990. As such, it would be reasonable to rely on this definition in considering the policy in the Framework.

4. The Framework advises that new buildings within the Green Belt would normally constitute inappropriate development, save for the exceptions set out in paragraph 145. The appellant asserts that the appeal proposal falls within paragraph 145(g) in that it amounts to limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. My attention is drawn to case law¹ which indicated that rather than treating any change to openness as having a greater impact or harm, consideration should be given to the impact or harm wrought by the change. It follows that this is a matter of planning judgement in the circumstances of the case.
5. The marquee would be erected on land that currently comprises a boules court within the grounds of Homewood Park Hotel, and therefore, this would fall within the Framework's definition of previously developed land. It would be reasonable to consider the erection of the marquee as the partial redevelopment of this part of the hotel curtilage. However, Paragraph 145(g) requires such a redevelopment not to have a greater impact on the openness of the Green Belt than the existing development.
6. The appeal proposal would result in the introduction of a sizeable structure, some distance from the main hotel building, at a point within the hotel grounds that is otherwise largely free from built form. There would further be a visual impact on openness as the building would be seen from the main hotel building, other parts of the hotel grounds and with glimpses possible from the entrance point at Abbey Lane. As such it would have a greater, and adverse, impact on the openness of the Green Belt. Given the rural context of the hotel, it would represent the encroachment of additional built form into the countryside, contrary to one of the purposes of the Green Belt listed in paragraph 134 of the Framework.
7. The central location within the hotel grounds, screening provided by trees and planting, limited eaves height and lightweight transparent materials of the marquee are all factors that would assist in reducing the degree of harm to openness. In addition, as the marquee would be erected for five months of the year over a three year period, the resulting harm would be further limited. The appellant has suggested that a condition could be imposed to limit the time period for the erection of the marquee to three months of the year, rather than five months. Although this would further limit the degree of harm to openness, it would not be sufficient to entirely overcome the harm.
8. Accordingly, given the scale of the proposed building at a point in the grounds that is otherwise open, it would result in a limited degree of harm to the openness of the Green Belt. It therefore follows that the appeal proposal would not fall within the exceptions for new building set out in paragraph 145 of the Framework, and as such, amounts to inappropriate development in the Green Belt.

Character and appearance of AONB

9. The site is located within the Cotswold AONB, the significance of which is largely derived from the particularly scenic landscape comprising valleys,

¹ Euro Garages Limited v Secretary of State for Communities and Local Government & Anor [2018] EWHC 1753 (Admin)

rolling agricultural land, woodland and distinctive stone walling. Paragraph 172 of the Framework requires great weight to be given to conserving and enhancing landscape beauty in the AONB.

10. Notwithstanding that the Homewood Park Hotel has pleasant verdant grounds, its appearance reflects the managed and cultivated character commensurate with its use as a hotel. From my site visit I observed that the characteristics of the appeal location comprising a boules court set within mature trees and grass, would have more in common with a parkland grounds setting rather than having a wider landscape significance. Within such a context the lightweight appearance of the marquee would be in-keeping. In addition, the siting of the appeal proposal away from most public views prevents harm to the character of the wider landscape.
11. Therefore, I do not find that the proposal would be harmful to the character and appearance of the area, having particular regard to the Cotswolds AONB. It follows that the proposal would not conflict with the landscape protection objectives included, amongst other matters, within policies NE2, D1, and D2 of the Bath and North East Somerset Placemaking Plan, July 2017 (PP). Although the Council also refers to policy D5 of the PP, this relates to the detailing of individual buildings and does not specifically mention landscape impact. On this basis, the proposal would not conflict with it.

Other considerations

12. In support of the proposal the appellant refers to consequential benefits to the hotel business, especially given that the existing hotel business has been under-performing. Wider economic benefits would be derived by using local suppliers, providing additional local employment and the support that the appellants give to wider community objectives. Moreover, limited indirect benefits are likely to result to the local economy. This aligns with advice in Paragraph 80 of the Framework, which is generally supportive of proposals that support economic growth, and there are similar broad objectives in the development plan.
13. Nevertheless, the strategy outlining the urgent need for change at the existing hotel business, does not show that the appeal proposal is the only means by which benefits to the appellant's business and wider economy could be delivered. The document refers to a general re-positioning in the market place and states that the capacity of the hotel meeting and conference rooms and private dining areas is high. Accordingly, this limits the overall weight that these benefits attract in relation to the appeal proposal.

Green Belt Balance

14. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It further states that substantial weight should be given to any harm to the Green Belt. Therefore, in this case substantial weight is given to the harm to the Green Belt arising from the inappropriateness of the appeal proposal and the limited harm to openness.

15. As I did not find that harm resulted from the proposal in relation to the effect on the character and appearance and the AONB, this is a neutral factor in the overall balance. Although I have had regard to the representations made raising the effects of noise on living conditions as a concern, the main parties accept that this is a matter that could be suitably controlled by a planning condition, and I have no robust evidence to dispute this. On this basis, it does not affect the overall Green Belt balance.
16. Limited weight is given to the economic benefits the proposal would bring to the hotel business and surrounding local economy. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
17. Accordingly, the proposal is contrary to policy CP8 of the Bath and North East Somerset Core Strategy, July 2014 whose principal objective seeks to protect the Green Belt from inappropriate development in accordance with national policy set out in the Framework. In addition, it would conflict with policy GB1 of the PP which requires development not to prejudice but enhance the visual amenities of the Green Belt.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector