



Appeal Decision

Site visit made on 16 July 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/P0119/W/19/3227607

Greenacres, Engine Common Lane, Yate BS37 7PX

- 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 D and S Paddon against the decision of South Gloucestershire Council.
 - The application Ref PK18/2604/F, dated 31 May 2018, was refused by notice dated 28 February 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is consistent with local and national policies relating to the location of new housing development.

Reasons

3. The appeal site is located to the east of the settlement of Engine Common and to the north of Yate. It is in a rural setting and is accessed via an existing gated entrance off the western side of Engine Common Lane, a narrow country lane. The area immediately surrounding the site is predominantly open fields, including to the south, west and across Engine Common Lane to the east. The undeveloped spaces between buildings and the mature roadside hedges contribute to Engine Common Lane's distinctly rural character and appearance. The site lies outside of any defined settlement boundary and is, therefore, located in the open countryside for the purposes of the development plan.
4. Policy CS5 of the adopted South Gloucestershire Local Plan Core Strategy (2013) (the Core Strategy) seeks to locate 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 Engine Common, 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. Policy CS34 of the Core Strategy requires that settlement boundaries around rural settlements shall be maintained until they are reviewed.
5. Similarly, policy PSP40 of the South Gloucestershire Local Plan Policies Sites and Places Plan (2017) (the LPPSP) states that residential development in the

open countryside will only be acceptable in a limited number of specified circumstances, with which the proposal does not accord.

6. None of this is disputed by the parties and I have no reason to take an alternative view. The appeal proposal is therefore contrary to policies CS5 and CS34 of the Core Strategy and policy PSP40 of the LPPSPP, which taken together seek to locate most new development where it would reduce the need to travel and to restrict development in the open countryside.
7. However, the appellants have put forward a number of considerations which they consider lend support to the appeal scheme going ahead and it is to these matters that I now turn.
8. The appellants argue that the Council is unable to demonstrate a five-year supply of deliverable housing sites (a 5-year HLS). They have referred to another appeal decision at a site in Thornbury, but I have not been provided with full details of the Inspector's conclusions in that case. Nevertheless, it appears, from what the appellants state, that there was no conclusion that the Inspector found there to be a HLS shortfall. Accordingly, having had regard to the Council's latest monitoring data, and in the absence of any compelling evidence to support the appellants' claim, I have no reason to conclude that the Council is unable to identify a 5-year HLS.
9. Paragraph 213 of the National Planning Policy Framework (the Framework) states that existing development plan policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. The Council's housing policies referred to in the refusal reason are broadly in line with the aims of the Framework, in so far as they direct new residential development to locations where there is good access to services and by limiting development in rural areas except in a limited number of circumstances.
10. I have no substantive evidence before me to demonstrate that the policies most important for determining the application are out-of-date. Accordingly, they are operating to do what the government requires of them, which is to significantly boost the supply of homes. For the above reasons, paragraph 11 d) of the Framework is not engaged in this case.
11. I have had regard to the appellants' intention that the development should be a 'self-build' scheme. Whilst I have no substantive evidence before me that the Council has an 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. Nevertheless, the planning application is not accompanied by any clear safeguard that would ensure the dwelling would be completed as a self-build in the event that permission is granted. This significantly limits the weight I attach to this consideration.
12. The appellants' have drawn my attention to a number of other planning permissions, local to the appeal site, that have been granted by the Council for development in the open countryside. However, I have not been provided with details of the background to those cases and, therefore, cannot be certain of the circumstances in which they were permitted. In any event, I have considered the appeal on its own merits.

Planning Balance

13. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. In light of the above, it is clear that to allow housing on the appeal site, an area of open countryside, would be to disregard the policies of the development plan which seek to control development in such areas. This would compromise the development plan strategy for the location of housing, a strategy I have already found would accord with national policy. I therefore give significant weight to the conflict with policies CS5 and CS34 of the Core Strategy and policy PSP40 of the LPPSPP.
14. I acknowledge that the proposal would result in some economic and social benefits, including through its construction and through the support future occupiers would give to services and facilities in the area. However, these benefits would be limited, commensurate with the provision of only a single dwelling. Furthermore, the route to access those services would, in part, be along Engine Common Lane, which is narrow, lacking footpaths and unlit. These factors would be unlikely to encourage walking or cycling to the nearest settlements and would not promote social interaction and community building.
15. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes. It would also contribute, in a limited way, to achieving a good mix of housing sites, including small sites. I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing. However, the benefits that would be likely to result could be achieved elsewhere in the area, on sites that accord with the development strategy set out in the development plan.
16. Even if I were to agree with the appellant over the matter of HLS or that the most important policies for determining this appeal are out-of-date for another reason, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, there is no reason to take a decision other than in accordance with the development plan.

Conclusion

17. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR