



Appeal Decision

Site visit made on 7 March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/D0121/W/18/3216683

Leavesden, Upton Lane, Dundry, Bristol, BS41 8NF

- 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 M Harper against the decision of North Somerset Council.
 - The application Ref 18/P/3026/FUL, dated 13 April 2018, was refused by notice dated 4 July 2018.
 - The development proposed is erection of 4 no. holiday accommodation cabins.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy;
 - (b) the effect on the openness of the Green Belt;
 - (c) the effect on the character and appearance of the site;
 - (d) 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, and;
 - (e) the impact upon the living conditions of adjoining private residential property as a consequence of additional noise and disturbance.

Reasons

Green Belt – inappropriate development, effect on openness and character of site

3. The site lies within the Green Belt and the Framework tells us at paragraph 134 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It adds that inappropriate development is by definition harmful. However, paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves as in paragraph 145(b) an outdoor recreational activity or as in paragraph 145(g) the limited infilling or the partial or complete

redevelopment of previously developed land, whether redundant or in continuing use.

Outdoor Recreational Activity

4. The proposal is not for a development that would, by its very nature, involve or include outdoor recreational activity facilities. Occupying permanent buildings (even as holiday accommodation) does not represent outdoor recreational activity in its own right (e.g. walking from the parking space to the accommodation is insufficient exercise as to be recognised as a form of recreation). I also agree with the Local Planning Authority's references within the appellant's submission to use of the facilities by visitors to Bristol and the lack of catering facilities within each unit as likely to lean towards their use by those utilising Bristol airport rather than appealing to those interested in genuine outdoor recreation. Neither of these destinations represent outdoor recreational facilities. Accordingly, the proposal cannot be considered to fall within the exception provided by paragraph 145(b) of the Framework.

Infilling

5. The proposal cannot be considered infilling (development of a small gap in an otherwise developed frontage) as, despite taking access from the highway frontage, the building's location represents backland development remote from that highway frontage. Accordingly, the proposal cannot be considered to fall within the exception provided by paragraph 145(g) of the Framework.

Previously Developed Land

6. The appeal site sits within a run of development abutting the highway in one quadrant of a crossroads within a small hamlet in the open countryside. In the absence of a defined settlement development limit defined within the current development plan, this hamlet and thus the site falls within open countryside. However, I am unable to agree the site forms previously developed land as defined within the Framework, as although I do not consider the site location is within a built-up area, I did not see any clear evidence at the time of my visit of domestic/residential garden use. I therefore conclude the proposal does not fall within the exception category provided in paragraph 145(g) of the Framework.

Inappropriate Development

7. In the light of the above conclusions that the proposal fails to meet any of the exceptions listed, I consider the proposal inappropriate development, contrary to the provisions of paragraph 145 of the Framework.

Openness

8. The proposals would introduce four, new, uniform design buildings into an open area of scrub ground where presently no buildings exist. There would, therefore, be a greater impact on the openness of the Green Belt by simple merit of the quantum of development proposed compared to that which exists at present. I therefore conclude that the development of the site for the holiday accommodation cabins would lead to a material and harmful loss of openness to the Green Belt, which undermines one of the essential characteristics of the Green Belt as defined in the Framework and the principles of Policy DM12 of the North Somerset Sites and Policies Plan Part 1 which covers redevelopment of

previously developed land and the circumstances where this will not be considered inappropriate development.

Character and appearance

9. The character of the site is such that the area where the new buildings and their associated hard surfacing (pathways etc.) would be placed is presently rough, self-seeded ground with various spoil heaps of a variety of materials, with a dome covered foul sewage tank. Above, the remainder of the appeal property is manicured domestic curtilage/garden for the dwellinghouse Leavesden. Below is open agricultural pasture, whilst to either flank, is a single livestock building and wooded private rear garden of the neighbouring residential property. The site therefore has the character of a rough open green space tightly constrained within defined boundaries, similar to an agricultural animal pound.
10. There are no examples of dwellings (which is what these holiday units would represent) set behind the existing frontage development in the immediate vicinity of the site. The proposed buildings would be prominent to view from open countryside but viewed against the backdrop of the dwellinghouse Leavesden and adjacent the large livestock building to the side. The proposals appearance would be out of keeping and thus character with the pattern of development in this location, substantially increasing the apparent clutter of buildings associated with those already present within the curtilage of the dwellinghouse.

Other Considerations

11. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm. However, the Framework states at paragraph 144 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 (e.g. environmental benefits or local housing need).
12. I note the appellant's references to other permissions granted by the Local Planning Authority granted at Bristol View. The Local Planning Authority makes clear the original consent for these glamping pods pre-dates the formal adoption of the current local plan, that the subsequent permission necessarily required to take account of the pre-existing development and that the site's development should not be accepted as a precedent under the current local plan.
13. I agree with the Local Planning Authority view on this, as each site is considered on its own merits. I also accept that the provision of holiday accommodation independent of any outdoor recreational facility does not represent a sufficient justification to provide outweighing considerations. Nor are there any other benefits which I can identify the proposal would provide that might constitute such.

Green Belt Balance

14. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of the loss of openness to the Green Belt resulting from the proposed development. Against this, I attach little weight to the appellant's arguments put forward that very special circumstances exist to justify the

development. There are no other benefits I can identify the proposal would provide.

15. There are, accordingly, no very special circumstances advanced in relation to the appeal proposal of sufficient substance as to outweigh the identified harm. Therefore, the proposals would be contrary to paragraph 145 of the NPPF and Policy DM12 of the North Somerset Sites and Policies Plan Part 1 2016 (NSSPP).

Living conditions - existing property

16. The new holiday units would be tightly constrained within a compact site. Whilst all vehicular parking and manoeuvring would be restricted to the front of the property adjacent the highway in an area where such noise and activity might reasonably be anticipated, the number of units and the potential level of occupancy of the rear of the site would have the opportunity to create a quite concentrated source of noise in a location abutting the quiet rear garden of the adjoining property. Notwithstanding the appellant's intentions to maintain close control over the operation of the units, this potential has the likelihood of permanently changing the auditory character of the site to such a degree that it would have a seriously detrimental effect upon the quiet enjoyment of the neighbouring garden by the resident occupants of that property.
17. For the above reasons the development would adversely affect the living conditions of the future occupiers of adjoining private residential property as a consequence of additional noise and disturbance. The proposal would, therefore, be contrary to Policy CS3 of the North Somerset Core Strategy 2017 and Policy DM57 of the NSSPP. It would also be at odds with the design aims of paragraphs 127 and 130 of the National Planning Policy Framework, which seek, amongst other things, to ensure quality of design and protection of living standards.

Conclusion

18. For the reasons give above, having regard to the development plan when read in its entirety, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR