
Appeal Decision

Site visit made on 6 August 2019

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

an Inspector appointed by the Secretary of State

Decision date: 03 September 2019

Appeal Ref: APP/P0119/W/19/3228513

Huckford Lane Barns, Huckford Lane, Winterbourne, Bristol BS36 1AP

- 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 Mick Paul against the decision of South Gloucestershire Council.
 - The application Ref P19/0462/F, dated 13 January 2019, was refused by notice dated 6 March 2019.
 - The development proposed is to demolish the existing barn and construct a new 3 bedroomed home.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by South Gloucestershire Council against Mr Mick Paul. This application is the subject of a separate Decision.

Preliminary Matter

3. The submitted evidence indicates that the appeal building benefits from a prior approval consent¹ for residential re-use of the building (the extant consent). I have had regard to that decision in determining this appeal and refer to it where relevant in my reasoning below.

Main Issues

- Whether the proposed development would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the openness of the Green Belt;
- Whether the appeal site is suitable having regard to local and national planning policies on the location of housing;
- The effect of the proposal on the living conditions of future occupiers of the proposal with regard to outlook and daylight;
- the effect of the proposal on the character and appearance of the area; and

¹ Under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.

- If the scheme would be inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

4. The appeal site within the designated Bristol and Bath Green Belt and contains several buildings which are, or were formerly, farm buildings off Huckford Lane. The proposal is for the demolition of one of those buildings and its replacement with a larger, single storey dwelling.
5. The Framework establishes that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. To this end, it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. It further states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions are specified, including the replacement of a building. However, in order to comply with the policy, the new building must be in the same use and not materially larger than the one it replaces.
7. Similarly, Policy CS5 and Policy CS34 of the adopted South Gloucestershire Local Plan Core Strategy 2006 – 2027 (December 2013) (the Core Strategy) and Policy PSP7 of the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan (November 2017) (the PSP) broadly mirror the policies of the Framework in this regard.
8. In this case, the proposed residential use is different from the established agricultural use. Moreover, it is not in dispute that the proposal would not qualify as any other exceptional form of development in the Green Belt as it would not constitute infilling and does not occupy previously developed land. The proposal would therefore be inappropriate development in the Green Belt in conflict with the Framework and Core Strategy Policies CS5 and CS34 and PSP Policy PSP7.

Effect on openness

9. The existing building to be replaced is a flat-roofed structure located at the northern extremity of the appeal site away from the road. It immediately adjoins a very steep and substantial grass bank to the north.
10. The proposal comprises the construction of a sizeable rectangular building, with a dual-pitched roof on a substantially larger footprint than the existing structure. In the Council's estimation, it would result in an increased built volume of 31% compared to the existing building. It would also be cut into the bank which would require a significant area to be excavated and the construction of a large retaining wall.
11. Whilst the existing building is relatively discreet and is not readily visible from public vantage points, openness in Green Belt terms essentially refers to the absence of buildings. Although visual effects may be a consideration in assessing openness, there is also a spatial aspect.

12. Given the scale of the works proposed, the proposal would clearly have a greater impact on the openness of the Green Belt in spatial terms than the existing development. This would add to the harm I have already found as a result of the proposal being, by definition, inappropriate development.

Suitability of the location

13. The appeal site forms part of a small cluster of dwellings and other buildings off Huckford Lane. However, it lies some distance away from, and outside the defined boundary of, Winterbourne or any other recognised settlement. Therefore, for planning policy purposes, it lies in the open countryside.
14. The Framework reflects planning law in requiring applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
15. In setting an overall spatial strategy for South Gloucestershire, Core Strategy Policy CS5 establishes a framework for the location and scale of development aimed at reducing the need to travel and commute, and promoting self-containment of settlements. In order to manage levels of development in line with the strategy, development is resisted outside settlement boundaries and PSP Policy PSP40 specifically permits residential development in the open countryside in a limited set of circumstances only. None of those finite circumstances apply to the appeal proposal. This approach broadly accords with the policies of the Framework.
16. I therefore conclude on this main issue that the proposal would not conform with, and would be harmful to, the overall spatial strategy of the Development Plan. As such it would not accord with the relevant Policies cited above.

Living conditions

17. The submitted plans show a substantial retaining wall would be constructed in close proximity to the north elevation of the dwelling, beyond which the existing bank would loom up to a significant height. The dwelling would have a number of north-facing rooms, including a bedroom and study. Given the proximity of the proposed wall and bank to those proposed north-facing windows, they would have a foreclosing and overbearing effect. This would result in a particularly oppressive outlook for occupiers of those habitable rooms and a gloomy environment lacking in natural daylight.
18. I therefore conclude that the proposal would have an unacceptably harmful effect on the living conditions of the future occupiers of the dwelling in conflict with PSP Policy PSP8. That Policy does not permit development proposals which would have an unacceptable impact on the residential amenity of future occupiers in terms of overbearing/dominant impacts and loss of light. It would also conflict with the Framework which requires the creation of places with a high standard of amenity for future users.

Character and appearance

19. Given the siting of the proposed building, it would, apart from being apparent from neighbouring properties, only be fleetingly visible from Huckford Lane. Moreover, that road is not a main highway and peters out beyond the appeal site. I also saw that the site is well screened by the local topography from

other views from the east, including from Badminton Road and Park Lane to the east.

20. Whilst the building would be relatively wide and its design would be somewhat functional, it could be finished in appropriate materials and supported by planting and, for the reasons given above, would not be prominent in the landscape. It would also replace a poor-quality existing building which, although fairly typical of disused farm buildings in the countryside, does not currently contribute positively to the area. I therefore find that the proposed development would not be unacceptably harmful to the character and appearance of the area. In reaching this conclusion, I am mindful that this consideration is a materially different matter from the effect of the proposal on the openness of the Green Belt.
21. I therefore conclude on this main issue that the proposal would accord with Core Strategy Policy CS1 and PSP Policy PSP34. Together, those Policies require the highest possible standard of design, with information accompanying applications to be proportionate to the scale, significance and impact of the proposal. In this regard, the siting, form, scale, height, massing, detailing, colour and materials are required to be informed by and respect and enhance the character, distinctiveness and amenity of both the site and its context. They also require proposals to protect, conserve and enhance the distinctive character and beauty of rural areas. The proposal would also accord with Section 12 of the Framework which requires development to be sympathetic to local character.

Other considerations

22. I have had regard to the fact that there is an extant permission under permitted development rights for the residential use of the existing building and that this is likely to be implemented in the event of the appeal being dismissed. In my judgement, it therefore represents a fallback position.
23. However, whilst the appellant submits that the building is not “ideally suited” to conversion, the permitted development right exists to expressly, and only exceptionally, grant permission as a means of re-using certain qualifying buildings. In this context, whilst the proposed replacement dwelling could provide some benefits in terms of energy efficiency, appearance and practicality for the appellant’s needs, I regard these as moderate rather than significant benefits in favour of the proposal.
24. I appreciate there is some dispute between the main parties over the extent to which the Council’s officers offered support for the scheme at pre-application stage. The appellant has also expressed frustration over apparent difficulties in the extent of the Council’s engagement during the course of the application. In this regard I note the appellant has referred to the availability of transcripts of telephone calls. However, no such records have been submitted as evidence with the appeal. In any event, any such advice is necessarily informal and is not binding upon the Council’s decision. I therefore attach little weight to this matter in assessing the planning merits of the appeal.
25. The appellant has drawn my attention to two planning permission references PT17/4966/F and PK17/3073/F which have, respectively, apparently been granted on adjoining land for the conversion and replacement of buildings for residential use. However, I am not familiar with those cases and I have been

provided with no substantive details to indicate the circumstances in which they were granted consent. I cannot therefore conclude that they are reasonable comparable examples to the proposal before me. In any event, irrespective of any previous decisions of the Council, I have determined the proposal before me on the basis of its merits having regard to the Development Plan and all other material considerations.

26. There is no dispute that the Council can currently demonstrate a five-year housing land supply. Nevertheless, that is not in itself a factor which weighs against a proposal.

Conclusion

27. In conclusion, the proposal would be inappropriate development in the Green Belt and would affect its openness. It would be located outside of any defined settlement boundary in the countryside, where only certain excepted forms of development are permitted. It would also be harmful to the living conditions of the future occupiers of the proposed development.
28. The proposal would not be significantly harmful to the character and appearance of the area and would be beneficial in providing a higher quality and more energy efficient development than that already permitted. However, the Framework is clear that substantial weight should be given to any harm to the Green Belt. In this context, having regard to all relevant matters, I find the harm to the Green Belt, together with other harm resulting from the proposal, would not be clearly outweighed by the benefits.
29. Consequently, I conclude that the very special circumstances necessary to justify the inappropriate development do not exist. For the reasons given, the appeal should be dismissed.

Ian Bowen

INSPECTOR