The Planning Inspectorate

Appeal Decision

Site visit made on 27 August 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2019

Appeal Ref: APP/P0119/W/19/3228314
Mount Pleasant, Gloucester Road, Falfield GL12 8DW

- 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 & Mrs S Cox against the decision of South Gloucestershire Council.
- The application Ref PT18/4948/F, dated 22 October 2018, was refused by notice dated 6 February 2019.
- The development proposed is erection of single dwelling, with associated works.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the appeal site is suitably located for new housing, having regard to development plan policies.

Reasons for the Recommendation

4. There is no dispute between the parties that the site is outside the defined settlement boundary for Falfield, as set out in the South Gloucestershire Local Plan: Core Strategy (2006 – 2027) Adopted December 2013 (CS). Although closely related to existing development within the village, and the services and facilities therein, it is physically and spatially separate from development within the village. It stands apart from the edge of the village in an area that is characterised by open fields and hedgerows. For planning policy purposes, the appeal site is within the open countryside.

5. Policy CS5 of the CS states that within the countryside outside of the Green Belt, new development will be strictly limited. Policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 (PSPP) sets out a number of development proposals that would be acceptable in the open countryside. The appeal proposal does not fall within any category of acceptable residential developments set out in this policy.

6. I note the appellants' assertion that the policies of the development plan should not be considered up-to-date because they are being reviewed as part of a

Local Plan review. Whilst this may be the case, the CS and PSPP comprise the development plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise[1]. The review of a Local Plan does not automatically mean that policies of the development plan are out-of-date, as a review is a normal part of the strategic planning cycle. Moreover, it has not been demonstrated that any emerging policies are of relevance to this appeal.

7. Whilst noting the appellants' submission that the Council's five year supply of housing is 'marginal', it appears that there is no dispute that the Council is able to demonstrate such a supply. The aim of the development plan policies to direct development, including housing, to the main urban areas and settlement boundaries is not inconsistent with the National Planning Policy Framework (the Framework). I find therefore that the policies most important for determining this appeal are not out-of-date. Accordingly, the tilted balance given by paragraph 11 d) of the Framework is not applicable in this case.

8. In light of the foregoing I conclude that the development of a single dwelling in this countryside location conflicts with the aims of CS Policy CS5 and PSPP Policy PSP40. Moreover, there would be a high probability that the development of the site would erode the settlement boundary of the village in conflict with the maintenance aims of CS Policy CS34. The appeal site is not in a suitable location for new housing development.

9. It is asserted that the proposal would comprise sustainable development, with the new dwelling being located close to services and facilities within the village. Whilst this relationship is not disputed, to allow a new dwelling on this area of countryside would be to disregard the policies of the development plan which seek to control development in such areas.

10. In support of the appeal, the appellants have drawn my attention to an appeal decision[2]. This decision involved policies from a different development plan in a different administrative area to that before me. Moreover, in this case the policies were found to be out-of-date, which is not the case in the appeal before me for the reasons set out above. Consequently, this decision is not directly comparable to the scheme before me and carries little weight in my consideration of this case.

11. It is acknowledged that the proposal would contribute to the Government's objective to significantly boost the supply of homes, however the development of this small site would make a limited contribution to the supply of housing in the area. Limited detail has been provided regarding the impact the proposal would make in relation to the supply and choice of housing in the area, or to what extent it would enhance the viability of the settlement. Reference has been made to application reference PT18/2785/O in support of the proposal, but in the absence of details of the circumstances of this case I am unable to determine whether it is directly comparable to the appeal proposal. I attach little weight to this matter in my overall consideration.

12. In light of the above, it is clear that the appeal site does not comprise land of the right type in the right place for development, being in the countryside with

[1] Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990
[2] Ref: APP/F4410/W/17/3169288

the proposal being at odds with the development strategy for the area. The matters advanced in support of the proposal do not, either individually or cumulatively outweigh the conflict with the development plan, nor do they indicate that the development plan should not be followed.

Conclusion and Recommendation

13. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR