



Appeal Decision

Site visit made on Thursday 7 March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/F0114/W/18/3216367

The Old Forge, Upper Stanton, Stanton Drew, Bristol BS39 4EG

- 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 Davis against the decision of Bath & North East Somerset Council.
 - The application Ref 17/05819/FUL, dated 21 November 2017, was refused by notice dated 25 June 2018.
 - The development proposed is described as the conversion of outbuilding to ancillary residential accommodation to the Old Forge.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The restriction upon the access visibility splay has, as the Local Planning Authority (LPA) confirms in their Statement, already been removed by the necessary reduction in wall height with the relevant landowner agreement. The Local Planning Authority also confirm in their Statement that they are no longer defending this reason for refusal. Accordingly, there is no need for me to consider the matter further as part of this appeal.
3. Paragraph 134 of the Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the Framework states that development is inappropriate (and therefore harmful) in the Green Belt unless, amongst other exceptions, it involves as in paragraph 145(g) the redevelopment of previously developed land, whether redundant or in continuing use. The current Glossary to the Framework confirms that domestic curtilage in the open countryside outside any built up area represents previously developed land. Accordingly, the principle of the proposal falls within the exception provided within paragraph 145(g) of the Framework. I do not disagree with the Council that the proposal would not be inappropriate development in the Green Belt.
4. Given the above, the main issues are (i) whether the proposal is locationally acceptable in land use principle terms having regard to development plan policies; (ii) the effect of the development on the character and appearance of the area; and (iii) whether adequate refuse and recycling facilities could be provided on the site.

Reasons

Principle of residential development in the countryside.

5. The single storey building is located at the rear extremity of the site in a position surrounded on three sides by open agricultural fields, and although within the domestic curtilage of Old Forge, the swimming pool lies outside any defined settlement development limit. Part of the building also provides garaging and there is substantial hardstanding and vehicle manoeuvring area in front.
6. Policy DW1 of the Bath & North East Somerset Core Strategy (CS) aims, amongst other things, to direct development towards sustainable settlements. However, it does not provide a specific prohibition on development in the open countryside. I do not therefore consider the proposal is contrary to the provisions of this policy.
7. Policy RE4 of the Bath & North East Somerset Placemaking Plan (PP) clearly relates solely to proposals for essential dwellings for rural workers. The appellant does not make any claim the proposal relates to such accommodation. I do not therefore consider the proposal is contrary to this policy either.
8. Policy RE6 of the PP is referred to by the appellant as that most relevant to the proposal on the basis that it relates specifically to the reuse of existing buildings in rural locations. Whilst I note the Local Planning Authority reference to an appeal decision on another site and supporting text of other parts of the Plan concentrating on reuse of agricultural buildings in such locations, I find nothing in Policy RE6 or its immediate supporting text which would lead to any other conclusion than that this policy is of most relevance to the proposal.
9. The wording of Policy RE6 makes it clear that it is intended to apply all buildings in rural locations and it contains no exceptions or restrictions which would limit its applicability to just those of rural character and/or agricultural use. The Local Planning Authority Statement provides a detailed assessment of how the proposal meets the basic requirements of each of the policy's eight criteria. From my own assessment, I also consider the proposal is generally in accordance with Policy RE6 of the PP, except in relation to criterion 3 of the policy which relates to visual amenity and which I address further below.
10. For the above reasons, I conclude that the proposal would be acceptable in land use principle terms and accordingly I do not find any conflict with Policies RE4 and RE6 of the PP or Policy DW1 of the CS.

Character and appearance

11. Having concluded above that Policy RE6 is the most relevant Plan policy, I turn to consider whether Policy D1 (which relates to general urban design principles), D2 (relating to local character) or D3 (which is aimed at the urban fabric) of the PP are relevant. I do not consider that the provisions of any of these policies are directly relevant to the proposal as they are aimed at securing high quality design in new build urban development, not changes of use within the open countryside. Accordingly, I will focus on the requirements within Policy RE6 in relation to the impact of the proposal on the character and appearance of the area.
12. I have considered the localised visual impact within the site of additional, outdoor domestic paraphernalia and activity likely to be engendered. The external

facilities of the swimming pool and formal garden in front of the building, which contains a gym, kitchen and bathroom, already provide the likelihood of a particular level of domestic activity associated with the occupation of the main residence and its existing (currently unoccupied) annex. The pool and the associated garden area are surrounded by solid screening and thus activity within this area, including outdoor clothes drying, would to some degree be contained and shielded. Nevertheless, there would be some adverse harm caused to the character and appearance of the site and its surroundings as a result of the likely increased amount of domestic paraphernalia on and within the land in association with use of the building as a dwelling and the visibility from nearby residential dwellings gardens and internal accommodation.

13. The proposal would involve substantial internal remodelling of the existing building, removing the gym and garaging, adding new fenestration in the place of the two external garage doors, creating a self-contained two-bedroom property. This transformation into a full dwellinghouse would have a substantial impact on the level of activity, movement, artificial light and noise associated with use of the dwelling and its external areas, plus increased movements of vehicles to and from the building. It would also be likely, in time, to lead to new demand for the erection of new buildings to provide replacement garaging, storage and gym facilities elsewhere within the extensive domestic curtilage of the Old Forge.
14. The additional level of activity would create an uncharacteristic and harmful intensification of domestic use. Motor vehicles of all types, both private (homeowners and visitors) and commercial (delivery, etc.) would be drawn into the body of the site to the manoeuvring area in front of the building and to the rear of other properties to either side of the site entrance on to the highway. This would introduce a degree of noise and disturbance, particularly noticeable in the late evening, that would otherwise not occur. This would be for extended periods, from both artificial lighting (vehicles, building and pool/garden), the movement of additional vehicles, the sound of car doors slamming and of engines being started, represent a substantial and detrimental change to the otherwise more peaceful character of the area.
15. For the collective reasons outlined above, I conclude that the proposal would cause harm to the character and appearance of the area and therefore would not accord with the character and amenity requirements of Policy RE6 of the PP.

Refuse and Recycling

16. The 170 metre distance of the annex from the highway exceeds that in the current Manual 4 Streets guidance and means that all movement of waste and recycling from any storage facilities (within the annex or immediately adjacent to it) to the point of collection at the access on to the highway would likely be by motor vehicle from the proposed annex to the entrance on to the highway. This would not represent a practicable or reasonably functional arrangement or sustainable use of resources, notwithstanding the potential for shared journeys. I consider therefore the proposal would not include adequate refuse and recycling facilities and therefore the proposal would be contrary to criterion (d) of Policy D6 of the PP which states that developments must include functional arrangements for refuse and recycling.

Other Matters

17. I have considered the claim made by the appellant that the proposal would serve a member of the family currently residing in the main house but, as the Council point out, note that the existing annex closer to the main house is currently unoccupied and no explanation is provided as to why this could not meet the expressed need. Accordingly, the identified personal circumstances are not of sufficient weight to override the policy conflicts as set out above.

Conclusion

18. For the reasons give above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin S. Lee

INSPECTOR