



Appeal Decision

Site visit made on 6 August 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/P0119/W/19/3229608

Cloister Stables, Cloisters Road, Winterbourne, Winterbourne Down, BS36 1LL

- 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 Messrs D & C Drew & Pickett against the decision of South Gloucestershire Council.
 - The application Ref P19/2808/F, dated 12 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is described as redevelopment of Cloister Stables to provide 1 No new dwelling.
-

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 Issues

3. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the design of the proposed development on the character and appearance of the area;
 - Whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for Recommendation

Whether Inappropriate Development

4. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception set out in paragraph 145 of the Framework (g) is the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
5. The Council acknowledge that the proposal would amount to the redevelopment of previously developed land and I have no reason to disagree. However, in order to assess whether or not the proposal would amount to inappropriate development, it is first necessary to consider its effect on the openness of the Green Belt.

Openness

6. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development rather than being primarily about visual effects.
7. The proposed dwelling would replace 2 stable buildings on the site. These buildings are separated by a small gap. The building closest to the road has a shallow pitched roof and the building furthest from the road appears to be 3 bays, each with a pitched roof.
8. Although the new dwelling would have a slightly reduced footprint and volume to the existing buildings, it would have a longer front and rear elevation and a consistent ridge line which would be higher than the buildings that it is intended to replace. A garden area to serve the new dwelling would extend beyond the existing fence to the east of the buildings into open agricultural land.
9. The difference in design of the dwelling and particularly its length and roof design would have a greater impact on the openness of the Green Belt than the existing buildings, in that it would be reduced. Moreover, the creation of a rear garden would encroach into the countryside. The new garden area and hardstanding/paving and associated boundary treatment would further reduce the openness of the Green Belt. Whilst the effect on openness would be localised and limited, harm would be caused to the Green Belt.

Conclusion on Whether Inappropriate Development

10. Given that the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site, it would comprise inappropriate development in the Green Belt, in conflict with Policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan adopted 2017 (LP) which require the Green Belt to be protected from

inappropriate development, and CS Policy CS5, which requires that proposals for development in the Green Belt comply with the provisions in the Framework, or relevant local plan policies in the CS. Substantial weight is given to the harm identified to the Green Belt.

Character and Appearance

11. Although there are dwellings on the opposite side of the road, and others visible in the locality, the site and its surroundings have a rural, pleasant and open character, particularly in views to the south. The existing timber and corrugated iron stables and outbuildings are physically and visually separate from nearby residential development and contribute to this rural character.
12. The new dwelling, whilst of a simple, single storey form would as a result of the amount of glazing proposed result in an overly domestic addition into this attractive area of countryside, the harm of which would be exacerbated through the provision of a garden area which would be likely to have a significant urbanising effect on this largely undeveloped area of countryside. Whilst I acknowledge that development within the garden could be controlled to a degree through the removal of permitted development rights for outbuildings and structures, this would not extend to domestic paraphernalia such as washing lines, items of garden furniture and play equipment. The proposal would not protect, conserve or enhance the distinctive character and beauty of the area.
13. I note that landscaping is proposed as part of the scheme, however this would take some time to mature and could not be relied upon to mitigate the harm that I have identified. The benefit of the extensive glazing to solar gain and maximizing light, along with other environmental considerations is acknowledged, however this does not address or outweigh the harm that I have found. The removal of equestrian equipment does not lead me to find differently either.
14. In light of the foregoing I conclude that the proposal would result in significant harm to the rural character and appearance of the area in conflict with CS Policies CS1, CS8 and CS34 and LP Policy PSP1 which collectively require development proposals to respond to the positive characteristics of the locality and protect, conserve and enhance the character and beauty of the rural area. These policies are in broad conformity with the Framework which requires development to be sympathetic to local character.

Location

15. The appeal site is located in close proximity to, but outside of the settlement boundary for Winterbourne. For planning policy purposes, it is located within the open countryside.
16. LP Policy PSP40 establishes the type of development that is considered acceptable in the open countryside. The proposed new dwelling does not correspond with the list of development found acceptable by this policy. However, this policy does not expressly state that other types of development not included in the list would not be acceptable. It is therefore possible that a proposal that does not accord with one of these development types could also be acceptable and would not necessarily conflict with this Policy.

17. The appeal site is located close to a bus stop and to a local primary school as set out in the Council's report. It is also within close proximity to the services and facilities that Winterbourne offers. The intended future occupiers of the new dwelling would be likely to support local services within the village and further afield, which could be accessed by transport modes other than the private car. In this regard there would be no conflict with the sustainable transport objectives of CS Policy CS8 or the Framework. Furthermore, there would be no conflict with paragraph 78 of the Framework which requires that housing in rural areas is located where it will enhance or maintain the vitality of rural communities. The appeal site is sustainably located in this regard.
18. However, CS Policy CS5 identifies locations for development to deliver the Council's Strategy for Development. The location of the appeal site does not accord with parts 1-5 of this Policy. In terms of its Green Belt location, part 6 of this policy is relevant. The proposal would not comprise development set out in 6(a) or 6(b), nor would it comply with 6(c) because it would not amount to development in the Green Belt which complies with the Framework or relevant local plan policies in the CS. Given these matters, the proposal would conflict with the Council's framework for the location of development set out in CS Policy CS5. I conclude therefore that the appeal site is not suitably located for a new dwelling as proposed.

Other Considerations

19. The Framework advises that inappropriate development in the Green Belt should not be approved except in very special circumstances. 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.
20. The appellants have cited a number of reasons in support of the appeal proposal including the lack of harm or objection identified by the Council with regards to ecology, residential amenity, highway safety/parking, sustainability, drainage, flood risk, the demolition of the existing buildings and impact on heritage assets. These matters carry neutral weight in my assessment of the proposal.
21. It is acknowledged that the appeal proposal would contribute to the supply of housing in the area and that it would be located close to the settlement and services of Winterbourne. These matters carry moderate weight in my consideration of the proposal.
22. Whilst I have not found conflict with every policy quoted by the Council in its decision notice, this does not amount to a fundamental misunderstanding of the Development Plan as asserted by the appellants. Limited weight is attached to this argument therefore.
23. The letters of support received from the occupiers of neighbouring properties raising the issue of potential alternative development at this site are noted, however, this is not the matter before me and these carry limited weight.
24. Finally, the appellant references a recent appeal decision¹ for a similar type of development which was allowed. In this case the Inspector found that the proposal would not comprise inappropriate development and that the location

¹ APP/P0119/W/19/3225618 Livery Stables, Hope Road, Iron Acton, Yate BS37 9XX

of the appeal site was directly linked to the development area of the town and thus was a suitable location for a new dwelling. I have found differently in respect of both of these matters for the reasons set out above. The example quoted is not directly comparable to the scheme before me and I afford it limited weight in my overall consideration. The granting of planning permission elsewhere in the District for a similar type of development does not justify harmful development. Each planning application and appeal is determined on its individual merits.

Conclusion

25. The appeal proposal would constitute inappropriate development in the Green Belt. Further harm would be caused as a result of loss of openness. These matters attract substantial weight. The appeal site is not suitably located for a new dwelling as a result. Significant harm would also be caused to the character and appearance of the rural area.
26. The considerations advanced in support of the proposal at most carry moderate weight. Taken as a whole, I conclude that the benefits of the scheme do not clearly outweigh the harm the proposed development would cause to the Green Belt and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
27. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR