
Appeal Decision

Site visit made on 1 October 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/D0121/W/19/3231591

Hillcrest Farm, Felton Common, Felton BS40 9YN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Wedlake against the decision of North Somerset Council.
 - The application Ref 19/P/0381/OUT, dated 12 February 2019, was refused by notice dated 29 April 2019.
 - The development proposed is for up to 3 dwellings following demolition of existing buildings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above, I have used the description of development given in the appeal form, as this more fully reflects the nature of the proposal than that used on the original planning application form.
3. The application is made in outline with all detailed matters reserved for separate consideration. As such, the layout plan is submitted on an illustrative basis. Whilst I have taken into account that there may be alternative ways of developing the site, I have primarily considered the illustrative plan on the basis of what the likely impacts of the erection of the number of dwellings proposed would be.
4. At my site visit I observed that there were a number of storage containers at the appeal site and a range of commercial and domestic vehicles were parked on the western side of the site. The Council have referred to the current use of the site as being unauthorised¹ and I have not seen any evidence to the contrary. As such, I have considered the proposal on the basis of the submitted plans and information.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including its effect upon openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

¹ Section 3.1 Council statement of case and Page 3, Delegated report.

- Whether the site is in a suitable location for housing with regards to access to facilities and services;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of future residents with particular regards to noise and outlook, and;
- If found to be 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

6. The construction of new buildings within the Green Belt is inappropriate with the exception of the types of development listed in Paragraph 145 of the Framework. Sub paragraph g) of paragraph 145 allows for the limited infilling or the partial or complete redevelopment of previously developed land. However, the caveat to paragraph 145 g) is that the development should not have a greater impact on the openness of the Green Belt than the existing development.
7. Policy DM12 of the North Somerset Council, Development Management Policies, Sites and Policies Plan, Part 1, July 2016 (SPP), amongst other things, allows for the redevelopment of previously developed land in the Green Belt and therefore, broadly accords with paragraph 145 g) of the Framework.
8. There is no dispute between the parties that the appeal site² has a lawful use as a coal yard³ and that this constitutes previously developed land as defined in the Framework. However, the parties disagree as to whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Planning Practice Guidance confirms that openness is capable of having both spatial and visual aspects.
9. Within the appeal site there is a single storey rudimentary building with a modest footprint and a significant area of hardstanding. Notwithstanding the storage containers and parked vehicles already mentioned, the submitted plans show areas for coal storage⁴ covering approximately 214sqm of the hardstanding. As such, the amount of built form within the appeal site itself is limited. Furthermore, the site has an elevated position relative to the wider landscape to the north, and the low boundary wall between the site and the lane combined with its proximity to Felton Common, allows for panoramic views. As a result, there is a particularly expansive sense of openness at the site.
10. The site location plan submitted indicates that the existing building within the appeal site has a footprint of approximately 42sqm which accords with the estimate given by the Council⁵. The Council asserts that the indicative plans show a footprint of approximately 238sqm, and I have not seen evidence to the

² Edged in red on drawing DJS/FELTON/001

³ Reference 12/P/1440/LDE

⁴ Site location plan

⁵ Page 3, Officer Report

contrary. Even taking into account that the grant of outline permission would not tie future development to such plans and that there may be alternative ways of developing the site, by comparison, 3 dwellings would have a considerably larger footprint. This is particularly so if they are bungalows as the appellant suggests, as all accommodation would be provided at ground floor level.

11. In addition, whereas the building to be removed within the site is located adjacent to a cluster of existing built form, the indicative layout shows the 3 dwellings as detached and dispersed across the appeal site. As a result, the impact of the increase in the amount of built form would be exacerbated.
12. Furthermore, the dwellings would be likely to have pitched roofs, such that even if they were to be bungalows, they would achieve a greater height than the existing single-storey built form presently within the site. Additionally, they would be located on land closer to the access lane which would add to the prominence and visual impact of the development. Moreover, the domestic paraphernalia, lighting, boundary treatments and activity associated with three dwellings would further impact on the openness of the Green Belt.
13. Although the appellant refers to other buildings that would be demolished, these are agricultural buildings that are located adjacent to, but outside of the appeal site, and therefore do not constitute previously developed land as defined in the Framework. Paragraph 145 g) refers to the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development on that land. As such, the removal of these buildings⁶ cannot be taken into consideration in this assessment. However, I will return to this matter later in my reasoning.
14. Therefore, taking these factors together, the increase in footprint, site coverage and height would result in a development that would have a greater impact on the openness of the Green Belt than the existing development and as such, would not fall within the remit of paragraph 145 g) of the Framework. Notwithstanding that both parties refer to the site as close to⁷, but outside of the village of Felton, I have not seen evidence to suggest that the appeal proposal would comprise any of the other exceptions for new buildings listed within paragraph 145 of the Framework. Consequently, the proposal would constitute inappropriate development in the Green Belt, to which I must attach substantial weight.

Location of housing and accessibility

15. The site lies outside of the Felton village defined settlement boundary identified in the North Somerset Council, Core Strategy, January 2017 (CS). Policy CS33 of the CS sets out a development strategy towards infill villages, smaller settlements and the countryside which forms part of the overall locational strategy in the district. It allows for infill development within identified villages, including Felton, within the defined settlement boundary. Outside of the boundary, residential development is otherwise strictly controlled to limited exceptions. It is not part of the appellant's case that any of the identified exceptions apply. As such the proposal would be contrary to policy CS33 of the CS.

⁶ Site location plan indicates cumulative footprint of 195sqm (125sqm + 70sqm)

⁷ 3rd paragraph, Appellant Statement and Page 4, second paragraph Officer report

16. The proposed three dwellings would be likely to have future occupants with a range of travel requirements. Access would be via a narrow lane adjacent to Felton Common which has an uneven surface, is unlit and with no footway. Facilities in Felton are limited and the nearest primary school, post office and pub are located some distance away in the settlement of Winford. The walking environment to such facilities is not attractive for pedestrians given the distance and that the route would be along an unlit road, with for the most part, no footway and fast-moving traffic. Similarly, cyclists would need to be confident road users in these conditions.
17. The nearest bus stop to the site is approximately 540m⁸ away, although I have not been provided with information regarding the location, frequency and nature of bus services in relation to this stop. Nevertheless, the limited information provided suggests that the route to access it is, for a significant length, roughly surfaced and unlit, with little surveillance. Consequently, this would be likely to deter many pedestrians from using it routinely. Therefore, future occupants would be likely to rely on the private car as the primary means of travel.
18. In support of the proposal the appellant highlights that the access road is used daily by a number vehicles using the common and also by residents living adjacent to the site. Be that as it may, this would do little to address the poor accessibility of the site relative to services and the limited choice of transport modes other than the private car.
19. I therefore conclude that the proposal would be inconsistent with CS policy CS33 relating to the location of new housing development in rural areas. In addition, it would be contrary to policy DM12 of the SPP which in relation to the redevelopment of previously developed land in the Green Belt, amongst other matters, requires development to be well related to existing settlements, and have safe and convenient pedestrian and cycle access to services and a bus or rail service.

Character and appearance

20. The appeal site is located on the fringes of the village of Felton adjacent to Felton Common. Notwithstanding the linear form of mixed built form to the north of the lane, the presence of the expansive common and agricultural fields results in a spacious rural character. At present, the rudimentary built form and presence of commercial vehicles give the appeal site a functional appearance. In combination with the collection of deteriorating agricultural buildings to the north east of the site, this detracts visually from the immediate area to a modest degree and can be seen in public vantage points from Felton Common. The development would result in the removal of the existing building and commercial activity on the appeal site as well as the agricultural buildings adjacent to the site.
21. The illustrative layout plan shows three detached dwellings, which the appellant refers to as bungalows, with plots 1 and 2 facing towards the lane and plot 3 at a right angle, served by an access drive across the front of the site which would lead to the agricultural land behind. This would broadly continue and respect the linear built form that exists to the northern side of the lane which is positioned relatively close to the road.

⁸ Planning Officer report page 4

22. Furthermore, the residential development within the vicinity, whilst of a mixed character, contains a high proportion of bungalows, which the Council accepts would be an appropriate form of development⁹. Whilst some of these have more generous plots than those proposed, this is not universally the case, and as such, the subdivision of the site into three plots would not appear out of character with the rhythm of residential plots, particularly those to the east.
23. I acknowledge that the Council have concerns regarding the orientation of plot 3 and the configuration of the access drive. However, the submitted layout is illustrative, and the size and reasonably regular shape of the site would allow for alternative ways of developing the site that would allow plot 3 to face towards the road. The detailed alignment and treatment of the driveway is a matter that could be considered at a later stage in order to minimise its visual impact and it is not so substantial that such concerns could not be suitably overcome.
24. Accordingly, I find that overall, the redevelopment of the coal yard with three dwellings would result in the removal of a collection of unsightly buildings and outside storage of coal, with a scale and form of development that would result in a modest visual benefit, whilst maintaining the rural character of the area. Therefore, I do not find that the proposal would conflict with policy CS12 of the CS, nor policies DM32 and DM37 of the SPP which, amongst other matters, seek a high quality of design for new development that is sensitive to the existing local character of the area.

Living Conditions

25. To the west of the appeal site there is a large modern commercial building that would extend along the entire western boundary of plot 3 as shown on the illustrative layout plan. The cross-section drawing¹⁰ shows the existing building having a considerably higher ridge line than the proposed bungalow at plot 2. It is reasonable to assume that there would be a similar relationship with the height of plot 3. Due to the proximity of this scale of built form so close to the western boundary, the building would have a looming presence that would result in an overbearing impact on the future occupants of plot 3, particularly when using their garden area. The modest size of garden area for the plot would limit the ability to provide suitable screening and would mean that the effects would be felt in all parts of the garden. As such, this would have an unacceptable impact on the living conditions of the future occupants of plot 3.
26. In addition, from the evidence presented it is unclear what the nature of the commercial use of the building is, and the Council indicate that there are no planning restrictions on the times of its use. However, the building is within the appellant's control and he indicates that it would be used for storage. Furthermore, agricultural land adjoins the site to the north, to which access is shown through the appeal site. As such the occupants of plot 3 would potentially have vehicular movements and activity associated with the storage building immediately to the west with additional agricultural vehicular movements to the east and north. The latter are likely to be directly adjacent to the modest private garden areas for plots 2 and 3, such that it would be difficult for those residents to avoid the impact from noise when using their gardens. There is little information as to the likely frequency of such vehicle

⁹ Page 4 Officer Report, 4th paragraph

¹⁰ Drawing DJS/FELTON/001 cross section X-X

movements and activity. However, it is likely to involve large commercial vehicles or tractors which can generate significant noise that would unreasonably disturb residential occupants wishing to enjoy their garden.

27. My attention is drawn to the noise report submitted with the application. This specifically considered the likely impact from aircraft noise and found that within the proposed dwellings suitable mitigation measures within the built form would adequately mitigate the noise from aircraft movements. I accept that within the proposed buildings that this would be likely to address impacts from vehicular noise. However, it would not address the use of the garden area of the proposed dwellings, which was not covered in detail in the noise report. Hence, the evidence does not show that the harm I have found in relation to the impact of noise on the garden areas would be adequately mitigated.
28. Accordingly, I find that the proposed development would be likely to result in unacceptable levels of harm to the living conditions of future occupants as a result of noise and poor outlook. This would be contrary to policy CS3 of the CS and policies DM32 and DM37 of the SPP which, amongst other matters, require new development to adequately mitigate the potential adverse effects of development as a result of noise and ensure that the living conditions of residential occupants would not be prejudiced.
29. I have had regard to the Residential Design Guide Section 1: Protecting living conditions of neighbours, Supplementary Planning Document, January 2013 but do not consider that the detailed advice is particularly applicable to the circumstances of the outline proposal before me.

Other Considerations

30. The appeal site comprises previously developed land as defined in the Framework. Paragraph 117 of which requires strategic policies to make as much use as possible of previously developed land. However, the footnote to the policy indicates that this is not the case where it would conflict with other policies in the Framework. As I have found that the proposal would constitute inappropriate development in the Green Belt, it would conflict with the national policy in this regard. Accordingly, in these circumstances, the re-use of brownfield land attracts limited weight.
31. The proposal would contribute to the overall housing supply and there is support for the proposal from Winford Parish Council. There would be some economic benefits as a result of construction and spending associated with future occupants, which weigh in favour of the proposal. Nevertheless, the modest scale of such benefits accruing from three houses means that this attracts limited weight.
32. The appellant proposes to demolish agricultural buildings with a footprint of approximately 195sqm which lie adjacent to, but outside of the site which would contribute to a modest visual benefit to the area. This attracts moderate weight in favour of the proposal.
33. The appellant highlights that the proposal is smaller in scale than a previously refused scheme for 5 dwellings. Be that as it may, this does not affect the overall planning balance as I have determined the appeal proposal on its own merits.

Green Belt balancing exercise

34. Paragraph 144 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and harm would be caused to the openness of the Green Belt. These factors attract substantial weight.
35. In addition, the location of the dwelling with relatively poor accessibility would conflict with the overall strategy for residential development in the development plan and unacceptable harm would result to the living conditions of the future residents of the proposal. These matters attract significant weight.
36. In terms of the impact on the character and appearance of the area, I consider that there is likely to be a modest visual benefit arising from the redevelopment of the site, which attracts moderate weight in favour of the proposal. When taken in combination with the other considerations that are afforded limited weight, these do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.
37. Accordingly, the proposal would be contrary to policy DM12 of the SPP and the Framework which seeks to protect the Green Belt from inappropriate development.

Conclusion

38. Therefore, for the reasons stated above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector