



Appeal Decision

Site visit made on 18 September 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/P0119/W/19/3232121

Land off Dog Lane, Hallen, Bristol BS10 7RJ

- 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 R. Hawley against the decision of South Gloucestershire Council.
 - The application Ref PT18/4665/F, dated 12 October 2018, was refused by notice dated 25 February 2019.
 - The development proposed was originally described as: 'Altered access, removal of self-seeded tree and development of 2no. Use Class C3 dwellinghouses with associated car parking and amenity space.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was partly refused due to the lack of information in relation to the effect that the proposal would have on the ecological value of the appeal site. However, additional surveys have been submitted with the appeal and the Council's Ecology Officer has confirmed that subject to the recommendations of the reports being followed, the proposal would not be harmful. Consequently, the Council has confirmed that this refusal reason has been overcome and I have assessed the appeal accordingly.

Main Issues

3. The appeal site is located in the Green Belt. As a consequence, the main issues are:
 - i) Whether the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) Whether the appeal site is a suitable location for residential development, having regard to the locational requirements of the development plan; and
 - v) If the proposal would be inappropriate development, whether the harm by reason 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

Inappropriate development

4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, exceptions to this include limited infilling in villages.
5. The appeal site is an undeveloped parcel of land that fronts Hallen Road. To the north west of the site are the houses associated with Windsor Crescent. This is a small residential development, of which, a terrace of 4 properties back on to the appeal site. To the south west of the site, there is a detached dwelling as well as a short terrace of houses which front onto Hallen Road. In addition, there are other buildings accessed from Dog Lane as well as the presence of buildings on the north eastern side of Hallen Road.
6. Despite this cluster of development, the buildings as well as the appeal site, are located beyond the settlement boundary of Hallen. Running diagonally between the defined settlement and the development beyond is a large road bridge serving the M5 motorway. In addition, there is a small area of open countryside between the bridge and the village itself. Hallen Road runs beneath the bridge and provides a physical connection with the settlement. However, due to the scale and location of the bridge, it dominates the space between the established settlement and the outer-lying cluster of buildings within which the appeal site is located. In addition, the open countryside adds to this separation.
7. Windsor Crescent, and other surrounding buildings, do have a physical presence in the area. However, as identified above, the combination of the bridge and the countryside, have the effect of severing the two developed areas. Consequently, the development around Windsor Crescent and Dog Lane is experienced as a distinctly separate cluster of buildings. In my view therefore, despite the location of the village signs, as experienced on the ground, the site is not located within a village for the purposes of the development plan and the Framework.
8. The term infilling is not defined within the Framework. However, the South Gloucestershire Local Plan, Core Strategy (2013) (CS) provides the following description: '*a relatively small gap between existing buildings, normally within a built up area.*' As identified above, the appeal site is located adjacent to Windsor Crescent and a terrace of houses back onto the site. The south western boundary of the site is located adjacent to Dog Lane, however, beyond the narrow road, is a detached dwelling as well as a short terrace of houses.
9. Due to the presence of houses either side of the appeal site, I am satisfied that it is located between existing buildings. The houses in Windsor Crescent and those adjacent Dog Lane combine to create a relatively long built frontage to Hallen Road. Although the land levels are such that Windsor Crescent is significantly elevated above Hallen Road, its built form has a clear presence in the area. In addition, the houses adjacent to Dog Lane continue the built form to the south east.

10. The appeal site is situated within this built up frontage and proportionately, I am satisfied that it represents a small section of an otherwise well-established building line. Due to the broader extent of the buildings and the limited frontage of the appeal site in this context, in my view, the appeal site does represent a relatively small gap between existing buildings. In this respect, it is consistent with the definition provided within the CS.
11. However, regardless of this point, for the reasons identified above, the appeal site is not located within a village. Consequently, I conclude that the proposal would constitute inappropriate development within the Green Belt. It would therefore fail to accord with the Green Belt protection aims of the Framework, as well as Policies CS4A, CS5 and CS34 of the CS, Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (LP), and the 'Green Belt' (2007) Supplementary Planning Document. Taken together, these policies establish a presumption in favour of sustainable development and seek to protect the Green Belt from inappropriate development.

Openness

12. The appeal site is currently an undeveloped parcel of land. Although the site is located amongst other development, due to the absence of built form on the site itself, the defining characteristic of the site is that of its openness.
13. The proposal would introduce 2 new dwellings on to the site. Such a proposal would therefore significantly and demonstrably alter the form and appearance of the site by introducing residential development on an otherwise open and undeveloped parcel of land. I therefore conclude that the proposal would harm the openness of the Green Belt.

Character and appearance

14. As an undeveloped parcel of land located within a cluster of development, the appeal site helps to provide an inherent semi-rural quality to the broader character and appearance of the area. However, the proposal would be carefully designed and the buildings would be suitably located on the appeal site. Subject to the imposition of suitably worded conditions, the Council raised no objection to the proposed design and layout and based on the evidence before me, I have no reason to disagree.
15. I therefore conclude that the proposal would not harm the character and appearance of the area. Consequently, it would accord with Policy CS1 of the CS which requires development to be of the highest possible standards of design.

Location

16. The appeal site is located outside any defined settlement boundary. Consequently, for the purposes of the development plan, the site is located within the open countryside. Furthermore, as identified above, the site and the buildings amongst which it is located are experienced as a distinctly separate entity to the established settlement of Hallen.
17. Policy CS5 of the CS establishes the spatial strategy for development in the district and the proposal would not comply with its requirements. In addition, the proposal would not accord with the exceptions identified in Policy CS34 of the CS or Policy PSP40 of the LP.

18. Consequently, although the site is not within an isolated location, it would fail to accord with the locational requirements of the development plan. I therefore conclude that the proposal would not represent a suitable location for development. Accordingly, it would conflict with Policies CS5 and CS34 of the CS and Policy PSP40 of the LP. Taken together these establish the spatial strategy for development in the district and identify suitable exceptions

Other considerations

19. The appeal site would make a contribution to local housing supply. However, based on the evidence before me, I have no reason to consider that the Council cannot provide a 5 year supply of deliverable housing sites. Due to the housing supply position of the Council, and the limited scale of the development, I only attach minimal weight to this matter in my assessment of the appeal.

Conclusion

20. As identified above, I have found that the proposal would be inappropriate development within the Green Belt. I have also found that the proposal would harm the openness of the Green Belt and would fail to accord with the locational requirements for residential development established by the development plan.
21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm. Moreover, it also states that 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.
22. Although I have found that the proposal would not harm the character and appearance of the area, for the reasons identified above, the harm to the Green Belt would not be clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist and therefore the proposal fails to accord with the Green Belt protection aims of the Framework.
23. I therefore conclude that the appeal should be dismissed.

Martin Chandler

INSPECTOR