



Appeal Decision

Site visit made on 17 September 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2019

Appeal Ref: APP/D0121/W/19/3227625

Land Adjacent to Bay Tree Cottage, Hill Lane, Weston-In-Gordano, BS20 8PY

- 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 Stuart Cox of Cherry Rose Limited against the decision of North Somerset Council.
 - The application Ref 18/P/4342/FUL, dated 19 September 2018, was refused by notice dated 27 March 2019.
 - The development proposed is the construction of a new dwelling following the demolition of an existing garage.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is within the Bristol Green Belt. As such, the National Planning Policy Framework (the Framework) informs that new buildings in the Green Belt should be regarded as inappropriate. Both paragraphs 145 and 146 confirm that there are exceptions to this. One such exception is limited infilling in villages.
3. I note the Council officer's report concludes that the proposed development would be limited infilling within a village. I have no reason to disagree with this conclusion. Accordingly, and having regard to paragraph 145 e) of the Framework, I find that the proposal would not amount to inappropriate development within the Bristol Green Belt.
4. In light of this, the main issue in this case is whether or not the development would preserve or enhance the character or appearance of the Weston-in-Gordano Conservation Area (WGCA).

Reasons

5. The appeal site comprises a parcel of land between the residential properties of Bay Tree Cottage and Woodlands, and is occupied by a small domestic garage. Whilst the appeal site and these two adjoining properties are within the WGCA, the properties within The Close to the south and the property to the north of the appeal site are not.

6. The appeal site is in a part of the WGCAs that is set off the main road and is surrounded by detached properties, the majority of which are set within fairly spacious plots, including those either side of the appeal site. Bay Tree Cottage in particular is an attractive property within the WGCAs and sits at the junction of Hill Lane and the private lane to the appeal site. The site forms a visual break between Bay Tree Cottage and the property at Woodlands.
7. The appeal site is a narrow plot of land and the development proposed would almost fill it across its width with a two-storey building, thus filling the visual break. In view of its height, size and location, it would alter one's appreciation of Bay Tree Cottage, as well as the appearance of the private lane, even though it would have a simple design when viewed from the private lane and would result in a lower ground level on the site.
8. In addition, the area of open space that would remain to serve the development would be limited. Such a cramped arrangement within the plot is not characteristic of the majority of built development in the area immediately surrounding the appeal site. Whilst the property to the south of the site is also constricted, this is not typical of the pattern of development in the immediate area and does not justify the proposal, particularly within the boundary of the conservation area.
9. Whilst I note the appellant's views, that the development constitutes limited infilling, the fact that the development accords with paragraph 145 of the Framework, leads only to the conclusion that the proposal would not be inappropriate development in the Green Belt. No further conclusions can be drawn from this. Accordingly, it does not automatically follow that the development of this infill plot would be acceptable in all other regards, including in respect of its effect on the WGCAs.
10. I acknowledge that the scheme was amended following the refusal of the previous planning application¹ and subsequent appeal decision². I also note the scheme was amended during the determination of the application subject of this appeal in an attempt to address its effect on the surrounding area and the historic environment. These amendments do not, however, alter my conclusions with regard to the harm that would be caused by the scheme that is before me.
11. Having regard to the above, the development would adversely alter one's appreciation of this part of the WGCAs. It would not, therefore, preserve or enhance the character or appearance of the conservation area.
12. Accordingly, the development would not comply with policies CS5 (Landscape and the historic environment), CS12 (Achieving high quality design and placemaking) and CS33 (infill villages, smaller settlements and countryside) of the North Somerset Council Core Strategy January 2017, as well as policies DM3 (Conservation areas) and DM32 (High quality design and placemaking) of the North Somerset Council Development Management Policies - Sites and Policies Plan (Part 1) Adopted July 2016. These policies seek to conserve the historic environment of North Somerset, and require proposals to respect and be sensitive to the existing local character.

¹ Reference: 05/P/2945/F

² Reference: APP/D0121/A/06/2015709/WF

13. I find the harm caused to the WGCA would be less than substantial. In these circumstances, paragraph 196 of the Framework makes it clear that where less than substantial harm to the significance of a designated heritage asset would occur then this has to be weighed against the public benefits of the proposal.
14. The social and economic benefits associated with the provision of an additional dwelling have been brought to my attention, as well as the Council's lack of a five year housing land supply, which is not disputed by the Council. These matters weigh in favour of the development, although such weight would be limited in view of the scale of development.
15. As a matter in favour of the development, the appellant has suggested that the development is in a location that is accessible to services and facilities, but is located away from any ecologically important sites, sensitive landscapes and pollution generating uses. That the site is not contaminated or within an area unlikely to flood are also suggested as matters that weigh in favour of the scheme. Whilst these may well be the case, such matters would have a neutral effect as a public benefit.
16. The appellant suggests that the scheme would secure the site's optimum viable use. I have had regard to the guidance provided in paragraph 015 of the Planning Policy Guidance Note on the Historic Environment that suggests that if there is only one viable use, that use is the optimum viable use. It also advises that if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset.
17. Whilst I acknowledge that the options for the use of the appeal site would be limited, I have not been provided with details of any alternative uses that have been considered. Accordingly, I am unable to conclude that the proposed development would be the use likely to cause the least harm to the significance of the asset.
18. Notwithstanding the above, the Framework makes clear in paragraph 193 that great weight should be given to the conservation of a heritage asset. Even if the proposed development were the site's optimum viable use, and taking into account all other public benefits of the scheme, I find that these are outweighed by the less than substantial harm that would occur to the WGCA.
19. The presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, is not engaged because the application of policies in the Framework that protect areas or assets of particular importance, related to designated heritage assets, namely the conservation area, provides a clear reason for refusing the development proposed. The 'tilted balance' does not, therefore, apply.

Conclusion

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

J Moss

INSPECTOR