



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/P0119/W/19/3228441

Land to the west of Lawnes Farm, Forty Acre Lane, Alveston BS35 3QU

- 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 S Cole against the decision of South Gloucestershire Council.
 - The application Ref PT18/3713/F, dated 31 July 2018, was refused by notice dated 9 November 2018.
 - The development proposed is the erection of two dwelling houses with garaging, alteration to existing vehicular access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt; and
 - If the proposal is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. 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. I note from the delegated report that the South Gloucestershire Local Plan: Core Strategy 2006 – 2027 adopted December 2013 (SGCS) provides an appropriate definition of infill development, that being the development of a relatively small gap between existing buildings, normally within built up areas.
4. The appeal site is at the corner of a wider agricultural field parcel and adjoins Forty Acre Lane. It is at the end of a row of properties along the lane, but is

separated from the last property in the row (The Lodge) by an access track to a property to the south of the site. There is development further along Forty Lane, but this is separated from the appeal site by around 90 metres of a mature wooded area.

5. In view of the above and regardless of whether or not the appeal site is in a village, the proposal would not amount to infill development of the sort defined in the SGCS or, indeed, envisaged by paragraph 145 of the Framework. With regard to the mention of recent development within the area, although limited information has been provided, it would not appear to be within the immediate vicinity of the appeal site. As such, it would not alter my conclusion above.
6. On a separate note, the appellant suggests that, in view of the use of the site to store builders' materials, the site is previously developed land, as referred to in paragraph 145 g) of the Framework. Annexe 2 of the Framework defines previously developed land as being occupied or having been occupied by a permanent structure. I have not been made aware of any permanent structures (existing or previous) on the site, and I did not observe any during my site visit. Accordingly, I conclude that the site is not previously developed land as defined by the Framework. I have not, therefore, considered further the provisions of paragraph 145 g).
7. In view of the findings above, I conclude that the proposal would be inappropriate development. Paragraph 143 of the Framework informs that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Substantial weight is, therefore, given to the harm the development would cause to the Green Belt, in accordance with paragraph 144 of the Framework.
8. In addition to the above, both Policy CS5 (Location of Development) of the SGCS and South Gloucestershire Council Development in the Green Belt Supplementary Planning Document June 2007 (SPD) set out the circumstances where development within the Green Belt will normally be permitted. As the development would not accord with any of the circumstances listed, it would not comply with either Policy CS5 of the SGCS or the SPD.

Effect on Openness

9. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that openness is one of the essential characteristics of a Green Belt. Openness can be defined as an absence of development; it has both a spatial and visual aspect.
10. As mentioned above, the site is at the corner of a field parcel and is bound on two sides by Forty Acre Lane and an access track. The site is currently open to the wider field parcel and is being used for storage, including waste material, a caravan and machinery. There is no evidence of buildings on the site. Although there is built development within the vicinity, the appeal site and wider field parcel make a significant contribution to the openness of the Green Belt in this area. In particular, the access lane separating the appeal site from the row of properties along Forty Lane forms a physical barrier to that built development. The appeal site represents the start of a more open aspect on that side of the lane.

11. The scheme proposes the construction of two substantial dwellings, each set within a large plot and served by a detached double garage to the rear. The development would physically sub divide what is currently an open parcel of land and would result in buildings on land that currently has none. Furthermore, the two storey dwellings and garages would result in a substantial visual encroachment of buildings into this more open part of Forty Lane.
12. In addition to the dwelling houses and detached double garages, domestic activity and development on the enclosed areas serving those properties (for example: parking, the driveway, landscaped garden and domestic paraphernalia) would have a detrimental effect on the openness of the site in terms of the visual and spatial aspect.
13. Having regard to the findings above, I conclude that the development would cause significant harm to the openness of the Green Belt in this location.

Other Considerations

14. Whilst the appellant suggests that the development would result in a benefit to biodiversity in the area, I have not been provided with any particular details of such enhancement, other than the basic landscaping details provided on the layout plan. Notwithstanding this, development should in any event contribute to, and enhance, the natural environment in order to accord with the Framework. Accordingly, I give this matter limited weight.
15. The appellant suggests that the development would not result in landscape harm and that the site is well placed for access to services and facilities. Whilst this may well be the case, such matters would have a neutral effect in the planning balance.
16. My attention has been drawn to other planning decisions in support of the appellant's case. I have not, however, been provided with the full details that would have been available to the previous decision makers in each of the cases referred to. Regardless of the Inspectors' conclusions in those cases, the proposal in this case, when considered in the context of the Framework, has been found to be inappropriate development within the Green Belt. Furthermore, in view of the site-specific circumstances in this case, there would be substantial harm to the openness of the Green Belt in this location. Accordingly, I give these examples of other approved development in the Green Belt little weight.
17. I note the appellant's suggestion with regard to the review of the Green Belt boundaries. As I have not been advised of the outcome of any such review, I have no reason to reduce the weight I give to conflict with local policies that relate to development within the Green Belt.
18. As a final matter, at the time of the determination of the application subject of this appeal the Council could not demonstrate a deliverable 5 year housing land supply. The Council's position on this matter has now changed. The appellant does not agree with the Council's revised position. As such, there is disagreement between the parties with regard to the weight that should be afforded to any conflict there may be with the Council's overarching spatial strategy for development, and whether or not the presumption in favour of

sustainable development as set out in paragraph 11 of the Framework is engaged.

19. The presumption, though, is not engaged because the application of policies in the Framework that protect areas or assets of particular importance, related to land designated as Green Belt, provides a clear reason for refusing the development proposed. The 'tilted balance' does not, therefore, apply.
20. Notwithstanding the above, I acknowledge that the development would be beneficial in contributing to the supply of housing and that this would weigh in its favour. However, this benefit, together with the limited weight I have given to some of the other considerations referred to by the appellant, do not clearly outweigh the substantial harm to the Green Belt that I have identified. As such, the very special circumstances necessary to justify the development do not exist in this case.
21. Consequently, the development would fail to accord with Policy CS4A (Presumption in Favour of Sustainable Development) of the SGCS, which highlights the presumption in favour of sustainable development. Neither would it comply with Policy CS34 (Rural Areas) of the SGCS, Policy PSP7 (Development in the Green Belt) of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) or the SPD. These seek to protect the designated Green Belt from inappropriate development and confirm that such development will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm.

Conclusions

22. The proposal would be inappropriate development in the Green Belt and would result in substantial harm to the openness of the Green Belt in this location. The Framework establishes that significant weight should be given to any harm to the Green Belt. The other matters that have been drawn to my attention do not outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR