



Appeal Decision

Site visit made on 15 October 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/P0119/W/19/3233862

School Garden Nursery, Elberton Road, Olveston BS35 4DB

- 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 Elberton Road (SW) Ltd against the decision of South Gloucestershire Council.
 - The application Ref PT18/3107/O, dated 05 July 2018, was refused by notice dated 23 May 2019.
 - The development proposed is described as '*erection of up to 3 no dwellings (one-and-a-half storey dwellings) (Outline) with access to be determined. All other matters reserved (resubmission of PT17/2102/O)*'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters other than access reserved. I assessed the appeal on this basis, having regard to all details within the drawing Ref 2873/9 and its revision Ref 2873/9 Rev A as indicative, aside from those relating to the site access.
3. On the 25 September 2019, after the appeal was made, the Council issued a certificate of lawfulness at the appeal site under Ref P19/8593/CLE, which identifies its lawful use as '*a depot for a landscaping contracting business (sui generis), with use including the storage of vehicles, materials and machinery*'. As such, it is now certified that the site forms previously developed land (PDL). This is reflected within my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the Olveston Conservation Area (OCA); and,
 - if there is harm by reason of inappropriateness, and any other harm, would it 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

5. The appeal site is PDL comprising a vacant depot for a landscaping contracting business. It fronts Elberton Road adjacent to the village of Olveston. The village and the surrounding countryside are within the Bristol/Bath Green Belt.
6. The National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their openness and permanence. It identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It establishes that the construction of new buildings in Green Belts is inappropriate, subject to a number of exceptions.
7. One such exception is where a scheme would involve the redevelopment of PDL, whether redundant or in continuing use. This is subject to the proposal meeting one of two given criteria. The first criterion, which is the one applicable to this case, is when the scheme would not have a greater impact on the openness of the Green Belt than the existing development.
8. At the local level, Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2006-2027 (adopted 2013) (CS) and Policy PSP7 of the South Gloucestershire Policies, Sites and Places Plan (adopted 2017) (PSPP) seek to protect the Green Belt from inappropriate development. They allow small scale infill schemes within settlement boundaries, and other proposals which would accord with the Framework. I therefore find that they are consistent with the Framework.
9. Olveston's built environment along Elberton Road is concentrated on the east side. Aside from the appeal site, the west side is formed of allotments and fields containing very little operational development. The land drops gently westwards and the boundary hedgerows are set against the sky. These attributes provide a significant impression of continuous openness above and beyond the western boundary of the highway, which is emphasised by the direct contrast with the buildings on the other side of the road. Given these attributes, I find this to be an open area of Green Belt particularly sensitive to any vertical change.
10. The site contains a high coverage of storage buildings and glasshouses. However, they are low, rustic and innocuous structures, concentrated towards the rear boundary. The gateway is a simple and small feature, and the palisade fencing is largely green in colour and subsumed amongst boundary vegetation. Any open storage has little visual influence behind these boundaries. The appellant suggests that the hedging could be removed, but there is no evidence that this is in the offing. For these reasons, I find that the existing site has a limited harmful effect on the openness of the Green Belt.
11. The scheme seeks to remove the existing buildings and erect up to three dwellings. The plans indicate that they would be detached and set comparatively further forward, within a row in the middle of the site, facing Elberton Road. Adopting this approach, the coverage and volume of buildings within the site would be significantly reduced.
12. Although no indicative elevations accompany the appeal, the description of development specifies that the houses would be one and a half storeys in

height. In my view, they would therefore be inherently taller than the existing buildings and, given their domestic building standards and detailing, would have a more substantial appearance. Furthermore, photomontages indicate that, even if existing boundary heights would be maintained, the houses would reach higher than the existing buildings and would be visible in areas along Elberton Road. This correlates with my own observations at the site. The scale of the houses would also be appreciable through the site entrance.

13. As such, whilst I acknowledge that there would be a significant reduction in the coverage of buildings within the site, I find that, by reason of the likely siting and height of the proposed houses, the proposal would have a greater visual impact on the openness of the Green Belt than the existing development. Furthermore, it would represent a clear encroachment of residential development into the countryside. This could not be mitigated by further screen planting, which itself could harm the existing sense of openness. Whilst the appellant suggests that buildings on the site could be located further from the site edge and/or made smaller, there is no substantive evidence before me to indicate that this would be an acceptable alternative.
14. I therefore conclude on this issue that the proposal represents inappropriate development which would give rise to a loss of openness within the Green Belt. It therefore conflicts with Policies CS5 and CS34 of the CS, Policy PSP7 of the PSPP and the Framework insofar as they seek to prevent inappropriate development in the Green Belt.
15. The provisions of Policy CS9 of the CS are not directly relevant to the Green Belt. The guidance within the South Gloucestershire Green Belt Supplementary Planning Document relates to now superseded policies. As such, they have had very limited weight in my assessment in relation to this main issue. Reference is also made to the emerging New South Gloucestershire Local Plan 2018-2036. However, given its early stage of preparation, it carries little weight with regard to this appeal. Similarly, whilst I note that the emerging Joint Spatial Plan is at examination, it is required to conform with the Framework's approach to the Green Belt. As I have found the scheme to be inappropriate development in the Framework's terms, it has not altered my findings against this main issue.

Character and Appearance

16. When travelling northwards through the village the countryside opens up prominently into view, and this clear connection between the built and natural environments continues as they face one another along Elberton Road. The presence of the bucolic allotments opposite the houses and primary school illustrates the human side of this relationship, and the association between the people and the land. I have already found that the existing site, despite its location, has a limited presence within this scene.
17. I note the appellant's view that a more visually prominent collection of houses set further forward within the site would provide a more harmonious response by better addressing the village. However, even accepting that the houses could themselves be well-designed, I find that their anomalous placement on the opposite side of the road to the village would lead them to appear visually isolated, and to incongruously break from the established pattern of development which characterises Elberton Road.

18. The Olveston Conservation Area (the OCA) extends away from the village centre along the eastern side of Elberton Road and terminates adjacent to the appeal site. After this point, more modern housing development has continued the ribbon of development on the east side of the road.
19. As is identified within the Olveston Conservation Area Supplementary Planning Document (the OCASPD), there is an integral relationship between the OCA and the countryside which provides its setting. For reasons I have already set out, the scheme would erode the clear division between these two distinct environments on their respective sides of Elberton Road, and cause an incursion of residential development into the countryside at odds with the historic growth pattern of the village. Although the existing boundary fences and gate could be better replaced, the overall effect of the development would harm the significance of the OCA derived from its setting.
20. I therefore find on this issue that the proposal would harm the character and appearance of the area, with particular regard to the setting of the OCA. It would conflict with Policies CS1, CS5, CS9 and CS34 of the CS and PSP17 of the PSPP insofar as they seek development to respond appropriately to its location.
21. I consider that the harm to the historic environment would be less than substantial within the meaning of the Framework. Any such harm nevertheless merits great weight in accordance with Paragraph 193 and falls to be weighed in the balance with the public benefits of the development. I will return to this in my overall planning balance.

Other Matters

22. I have had regard to the allowed appeals at Hillside Nursery and 106 Lower Bagthorpe¹. However, whilst there are similarities between those cases and this appeal, I have identified a particular sensitivity to vertical change in this case, based on the specific circumstances of the area. As such, these appeals have had little bearing on my decision.
23. The appellant has logically drawn comparisons between the scheme and that previously dismissed within the site, drawing on the Inspector's reasoning². However, although that decision is a significant material consideration, each case must be assessed on its own merits. Whilst aspects of this proposal may compare favourably to the previous scheme, this does not mean that it would be acceptable in its own right.
24. The Council's second reason for refusal refers to the loss of an existing employment use. However, this matter is not expanded upon in the officer report nor the Council's appeal evidence. The site appears to provide only a limited employment opportunity, which does not appear to have been exploited for years. As such, this matter has not been determinative in my decision.

Planning Balance

25. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist

¹ Appeal Refs: APP/D0121/A/14/2225472 and APP/W3005/W/17/3184158

² Appeal Ref: APP/P0119/W/17/3188283

- unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. The government is seeking to significantly boost the supply of housing and the proposal would add to local supply and village vitality through the reuse of PDL to provide a small housing site with access to a good level of services and facilities. Additional landscaping may provide some ecological gain. These are public benefits that weigh in the scheme's favour.
27. However, the overall effect of the development would harm the character and appearance of the area, including the significance of the OCA derived from its setting. In the balance, I find that the public benefits of the scheme would be modest and would not outweigh this harm to the designated heritage asset.
28. As such, the other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness, and harm to the character and appearance of the area with particular regard to the setting of the OCA. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. For the reasons given above, the proposal would conflict with the development plan and the Framework when taken as a whole. Having considered all other relevant matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR